

THE ROAD TO THE
OSCE ISTANBUL SUMMIT
AND HUMAN RIGHTS IN
THE REPUBLIC OF TURKEY

HEARING
BEFORE THE
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE
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THURSDAY, MARCH 18, 1999

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
WASHINGTON, DC.

The Commission met at 10:30 a.m. in room SR-485, Russell Senate Office Building, Honorable Christopher H. Smith, Chairman, presiding.

Commission Members present: the Hon. Ben Nighthorse Campbell, Co-Chairman; the Hon. Matt Salmon; the Hon. James Greenwood; the Hon. Michael P. Forbes; and the Hon. Benjamin L. Cardin.

Witnesses present: Honorable Marc Grossman, Assistant Secretary of State for European Affairs; Honorable Harold Koh, Assistant Secretary of State for Democracy, Human Rights and Labor; Stephen Rickard, Director, Washington Office, Amnesty International USA; Douglas A. Johnson, Executive Director, The Center for Victims of Torture; Neil Hicks, Senior Program Coordinator, Middle East and North Africa Program, Lawyers Committee for Human Rights.

OPENING STATEMENT OF THE HON. CHRISTOPHER H. SMITH

Mr. SMITH. The Commission will come to order. I am very pleased to convene this hearing of the Helsinki Commission, and welcome my good friend and colleague, Senator Ben Nighthorse Campbell, who has recently been appointed Senate Co-Chairman of the Helsinki Commission in this 106th Congress.

I look forward to working with Senator Campbell and our fellow Commissioners as we seek to advance U.S. interest through promotion of the principles enshrined in the Helsinki Final Act.

During today's hearing, we will begin to assess developments within the Organization for Security and Cooperation in Europe and the U.S. strategy as we approach the 25th anniversary of the signing of the Final Act. The OSCE has been given tremendous responsibilities with respect to conflict prevention and post-conflict rehabilitation, with operational activities consuming an increasing amount of time and resources of the OSCE in Vienna. Ultimately will implementation review be a casualty of this new dynamic?

This morning we will also focus specifically on the human rights situation in the Republic of Turkey, an original signatory of the 1975 Helsinki Final Act.

These two issues, OSCE and Turkey, intersect in today's hearing due to the decision taken in Oslo last December by the OSCE Ministerial Council to convene a summit Meeting of Heads of State or Government in Istanbul November 18th and 19th of this year.

Notwithstanding expressions of concern by a number of our Commissioners and others over Ankara's failure to implement a wide range of OSCE human dimensions commitments, the United States labored to secure a consensus in support of Turkey's bid to host this prestigious event. Now that this fateful decision has been taken, I vigorously urge the Department of State to make improved human rights implementation in Turkey a priority.

One year after a Commission delegation visited Turkey, our conclusion is that there has been no demonstrable improvement in Ankara's human rights practices and that the prospects for much needed systemic reforms are bleak given the unstable political scene that is likely to continue throughout much, if not all, of 1999. A review of the Department's own human rights indicators for Turkey confirms a lack of meaningful progress on these critical issues: decriminalization of freedom of expression; release of imprisoned parliamentarians and journalists; reopening of human rights NGOs; and ending the state of emergency in the Southeast.

Statements by the U.S. delegation to the 1998 Warsaw OSCE Implementation Meeting on Human Dimension Issues provide ample documentation of Turkey's clear, gross and uncorrected violations of OSCE commitments. And I want to add that many of the most egregious of these violations disproportionately affect members of Turkey's substantial Kurdish population.

nation, courage, and persistence will be necessary both in Ankara and in Washington if we are to move beyond the unacceptable status quo. Continuous engagement with the Turks on human rights is essential. A bilateral human rights mechanism should be put into place immediately for this purpose. While the United States should press for systemic and legal reforms, priority should be given to the resolution of individual human rights cases. Let me make clear: the Commission stands ready to work with relevant officials at the Department to develop such lists.

In an attempt to bolster civil society in Turkey, the United States should encourage Ankara to agree to host the Review Conference that will precede this year's OSCE summit. Such a development would provide Turkey's beleaguered human rights NGOs with an invaluable opportunity to participate in an OSCE meeting devoted at least in part to human dimension issues. Holding the Review Conference in Turkey would also provide an important forum for our allies in the European Union to pursue their human rights concerns with Turkey.

I urge the State Department and the U.S. Mission to the OSCE to closely monitor preparations and modalities for any OSCE meeting to be held in the Republic of Turkey to ensure that arrangements are fully consistent with past practices concerning openness and access to such meetings.

An Istanbul OSCE summit is certain to be steeped with symbolism beyond the substance of such a high visibility convocation. Ankara's continued failure to resolve longstanding human rights issues and individual cases will have an impact on the credibility of the OSCE and stands as a potential embarrassment for the U.S. President par-

ticipating in a summit in Turkey. Our steadfast position is that the United States should insist that the Government of Turkey demonstrably improve implementation of its freely undertaken OSCE commitments. The summit is still 8 months away there is still time for specific steps to be taken.

The Commission will, as always, be willing and eager to work with the State Department and members of the NGO community to advance the cause of human rights in Turkey in anticipation of the Istanbul OSCE Summit and beyond that.

I'd like to now yield to my very good friend and colleague, Senator Ben Nighthorse Campbell, Co-Chairman of the Helsinki Commission.

OPENING STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL

Senator CAMPBELL. Thank you, Mr. Chairman. I was fixing my coffee. We do things a little slower over here.

Welcome to what is sometimes described as the "Lower House" by my friends on the House side of the Hill, and I see my old friend, Ben Cardin, I served with on the House side, very nice to see you, Ben.

I might tell you, Mr. Chairman, since this is the first time this Commission has met in this room to my knowledge, this is the only dedicated room on the Senate side. It's the Indian Affairs hearing room, and it's the only one that's assigned just to one committee. It's also the only committee that is literally non-partisan in that the Chairman of the Indian Affairs Committee is of the Majority Party, and the Vice-Chairman is of the Minority Party, unlike most committees where both are of the Majority Party. But, long ago, long before I got here, I think people recognized when you talk about violation of religious freedoms, equal opportunity, human rights and so on, nobody has suffered in this country any more than the American Indians. And, that statute in the back, by the way, done by a very famous Apache artist by the name of Alan Howser, that was done about 5 years before he passed away, is based on an Apache story about a warrior shooting at the stars. And, as the story goes, if he hits the stars his dreams come true, and I would hope that the dreams of the millions of people around this world who are denied basic human rights, perhaps, we can help them by helping make their dreams come true, too.

I certainly welcome our very distinguished witnesses, Secretary Grossman, Secretary Koh, and look forward to hearing them, and welcome to all of the witnesses that will be on the other panels.

We have a vote at 11:00, unfortunately, so I have to run out and try to get back, Mr. Chairman, and I'll try very hard to do that.

But, clearly, since 1991 the summit that produced the Charter of Paris for New Europe, the OSCE has fundamentally changed. As an international organization, instead of just being a diplomatic conference, it is now charged with a variety of important operational roles, and clearly you've touched on one dealing with Turkey.

As the new Co-Chair of this Commission, as you know we serve on a number of committees here, we had some testimony the other day before another Committee from some ladies from Afghanistan, which is not part of OSCE. I'm struck with the problem that we obviously face when we deal with human rights, that sometimes they come in conflict with their own religions, or their own internal affairs, and I know that makes it a very difficult role for OSCE, but knowing the history of the OSCE I'm sure that we're up to taking that on.

Certainly, there's going to be some high-profile missions. It's very important for us to remain true to the basic principles for which this was founded, and I certainly look forward to doing that.

I think that since I have such a short timeframe, I'd just like to go ahead and include my complete testimony in the written record and go ahead with the witnesses, because I'd like to hear them as much as I can before I have to run.

Mr. SMITH. Thank you, Senator.

Senator CAMPBELL. Thank you.

Mr. SMITH. I would like to ask if any of the other Commissioners might want to make an opening comment.

Mr. Cardin. In fairness to my friend, I will not make an opening statement, but just also welcome the witnesses we have here and point out that Mr. Hoyer, who is the Ranking Democrat Member, apologizes for not being here, he had an Appropriations Committee Hearing at this time. He hopes that he will come by some time during the hearing.

Mr. SMITH. Thank you.

I'd like to introduce our two very distinguished witnesses. Marc Grossman is Assistant Secretary of State for European Affairs, and I note that this is the first of what I hope will be his regular appearances before the Commission, given his pivotal role and decisionmaking responsibility for the European Region and the OSCE.

Prior to his appointment, Secretary Grossman served as U.S. Ambassador to Turkey. Secretary Grossman is, thus, in a very unique position to address the subjects that are going to be raised in today's hearing.

I would especially like to welcome, and am very pleased to welcome, Assistant Secretary of State for Democracy, Human Rights and Labor, Harold Koh, to his first Helsinki Commission hearing. Mr. Koh is a fellow Commissioner, and I have already worked with him as Chairman of the Subcommittee on International Operations and Human Rights. He testified very expertly at the Country Reports on Human Rights Practices hearing that we had, and spoke very fluently to the issues as they relate to China and other areas where egregious human rights abuses exist. I welcome Secretary Koh.

Secretary Grossman, if you could begin.

STATEMENT OF HONORABLE MARC GROSSMAN, ASSISTANT SECRETARY OF STATE FOR EUROPEAN AFFAIRS

Sec. GROSSMAN. Good, thank you very much, Mr. Chairman, and thank you for the introduction. Mr. Chairman, we'll try to answer all those questions and I'll try not to speak too fast either.

I'm pleased to take up the invitation today to testify here, and especially glad to be testifying with Assistant Secretary Koh as we discuss OSCE and the Summit in Istanbul in November. And, I'd like to accept your invitation to come here as often as you think it would be necessary.

Mr. SMITH. That would be good.

Sec. GROSSMAN. Mr. Chairman, when I became the Assistant Secretary of State for European Affairs in 1997, I knew that OSCE would be an important part of my job, because this Commission plays an important part, an important role in keeping the Congress, the Ad-

ministration and the public informed as we figure out how to shape our outlook on how best to pursue America's goals in democracy and human rights.

I also became convinced in those first few months that I was Assistant Secretary, that we could make this organization a relevant one. Mr. Campbell, you pointed out that it is now more than just a diplomatic talking shop, it has operational responsibilities. And, the way we could make it relevant to ourselves is because it has such great roots, it has roots in the CSCE, and those roots, I think, go back to questions of democracy, and freedom and individual rights, and those, I think, are the things that will make it relevant into the future. In a sense, that's why I am very glad that this Commission retains the basic title, because that CSCE title is a reminder of the promise of CSCE, the struggle that it was to win these battles for democracy and individual rights, and the possibilities of OSCE.

Mr. Chairman, as you know, we have been talking about our vision for a Euro-Atlantic partnership, and when we do that we talk about three themes that ought to define this partnership, and they are security, prosperity and democracy.

And, what we have come to believe, as we go through this next couple of years, is that there are three institutions that will play a huge role in helping us move these things forward, NATO, the relationship between the United States and the European Union and the United States, and, of course, the topic of our conversation today, the OSCE.

We've got some summits coming up in 1999, the NATO summit which will be here in Washington in April, two US-EU summits, one in Germany and one here, while the Finns are in the presidency of the European Union, and, of course, the topic of our conversation today, the OSCE Summit in Istanbul.

Now, what I've been telling audiences this year is, is that I don't intend, and I hope we don't intend, to sleepwalk through 1999, going from one summit to the other without trying to get some central idea about what our relationship with Europe and this Euro-Atlantic area is all about.

The OSCE Summit in Istanbul in November seems to me a key opportunity to help define the purposes and direction between the United States and Europe into the 21st Century.

If you'd allow me, what I'd like to do is start a conversation today on four questions. First, why, as Mr. Campbell said, is the OSCE more important today than it was in the past? Second, what is our view, and here Assistant Secretary Koh and I will try to divide this job, but he will do the harder part of it, to talk about our view of Turkish human rights performance. Third, why have we supported the OSCE's choice to hold its summit in Istanbul? And finally, fourth, what is it we are going to try to achieve there come November?

Let me make first a couple of points about the importance of the OSCE, and I start with a quotation from President Clinton, who noted in Berlin last May that the OSCE, with its broad members, and I quote here, 'projects a unity and moral authority unparalleled on the continent.' He added that we should "encourage even greater engagement in the areas where democracy's roots are still fragile in the Balkans, in Central Asia, and in the Caucasus."

Now, we support the OSCE because it helps us promote expansion of democratic societies, free elections, the rule of law, tolerance of minorities, freedom of speech, and freedom of economic decisionmaking. As the Secretary said when she spoke before the OSCE Permanent Council last September, the OSCE is "a standard bearer for open economies, open societies, and open minds."

Now, 6 months ago, I'd guess that there were not enough Americans who really knew about the OSCE and what it could do, even though it had success in helping to overcome the collapse of an Albanian pyramid scheme, it had assumed police monitoring functions from the United Nations in Croatia, and helped to shut down a former Soviet radar station in Latvia.

But today, no doubt, many more Americans know about the OSCE because of Kosovo, and we have there more than 1,400 courageous verifiers, more than 160 of whom are Americans, who began to arrive in Kosovo as early as last November. And, sometimes at great risk, and frequently subject to harassment or intimidation by Serbian authorities, the KVM, under the outstanding leadership of Ambassador Walker, is doing a superb job. And, I should also note that we owe a great debt of thanks to Norway as the Chairman-in-Office.

If a peace agreement is reached, the OSCE will help the people of Kosovo develop the institutions we support throughout the entire OSCE region, and in conjunction with the NATO-led implementation force the OSCE will work closely with the EU, which has pledged to play the leading role in securing funding and assuming responsibility for the large and daunting task of reconstruction and recovery.

Let me now see if I can start the conversation about Turkey. Turkey is a key NATO ally with which we have a large agenda. Human rights and democracy are a central aspect of the U.S.-Turkish bilateral relationship. Turkey is a country with diverse political parties, an independent judiciary and an active electronic and print media. Turkey lends critical support to our efforts to ensure Iraqi compliance with U.N. Security Council resolutions. Turkish troops serve in SFOR. Turkey and the United States support the Baku-Ceyhan pipeline route. We have a growing economic relationship.

We are also working with Turkey to resolve disputes in the Aegean and to promote a fair and lasting political settlement in Cyprus.

Mr. Chairman, you and I have talked about this, and I've always had a very simple concept about Turkey's future, and that is that the answer to the vast majority of Turkish problems is more democracy and not less democracy.

I believe that Turkey must take action on its human rights challenges. And, they shouldn't take this action to please us, or to please the Senate, or to please the Congress, or to please Europeans, they should do it because it's the right thing for them to do as Turks, and it's something, I believe, that the Turkish people very much want.

Now, Secretary Koh will talk in more detail, there's been some progress. The government has increased human rights training for security forces and has taken legal action against human rights abusers, although there were not enough convictions and sentences were too light. Fewer journalists remain in prison, but that number is still much too high, and we regret that the government's efforts to pass legislation last year to relax restrictions on freedom of expression

were unsuccessful. Human Rights Minister Turk expanded his dialogue with the NGO community, but several NGOs remain closed and NGO leaders face numerous court charges.

As I say, Assistant Secretary Koh will review in more detail our human rights report for 1998, and the major headings of our concern, torture, freedom of expression, political participation, the question of Turks of Kurdish origin. You, and we, need to know that human rights will remain a major priority in our bilateral relations, and we raise this at the highest level, and we speak, Mr. Chairman, as you asked, to specific cases, because that is something I think that is right for us to do and something very important that the Commission has urged us to do.

This brings me to my third question: Why is the OSCE holding its summit in Istanbul?

We believe that holding an OSCE Summit in Istanbul will advance our human rights agenda with Turkey as well as advance OSCE's goals. The summit will provide an opportunity to focus on human rights and democracy in a state that aspires to meet the challenges in OSCE principles.

We think that international coverage of the OSCE summit will mean a focus on Turkey's work to enhance its democracy. Non-governmental organizations, local and international alike, will have a platform to state their case. In my view, more exposure means more democracy, and this helps open up societies for firmer commitments to OSCE values and OSCE norms.

In answer to your question, Mr. Chairman, we are working to ensure that part of the pre-Summit Review Conference on the OSCE human dimension will be held in Istanbul, and I'm pleased to report to you that the Turks have agreed to host it. That, we think, will offer the NGO community a platform to advance their views alongside the governments which will participate in the summit. We expect a discussion that will broaden the parameters of debate on human rights issues in Turkey that will benefit Turkish civil society. Indeed, we believe that other participating States will also benefit from witnessing the type of discussions we expect to see in Istanbul.

As the Ambassador to Turkey, I became convinced in watching what happened in Istanbul, when Istanbul hosted the Habitat 2 Conference, that Turkish NGOs were encouraged to make their views known and to press their concerns actively and peacefully. My instinct then was for engagement, and that is my instinct today.

Finally, Mr. Chairman, what do we hope to achieve at this summit?

We hope, it's a big challenge, but we hope to achieve it anyway, to determine the path for OSCE's development in the years ahead.

First, we want the "Security Model" to help set the framework for a more peaceful, democratic and prosperous continent.

Second, we want to strengthen further the OSCE as an operational institution, one that can draw upon its toolbox to find appropriate mechanisms to deal with its challenges. We want a summit that sends clear guidance for all OSCE participating States that this is an organization that not only talks about democratic principles, but acts on them.

Third, we need geographic inclusiveness. And here, following an initiative from President Clinton, the OSCE is now represented in all five of the Central Asian states.

Fourth, we want to improve the ability of the OSCE to work with other appropriate organizations in a complementary and non-hierarchical fashion. And here, we've already begun to talk about how these organizations might work together in Kosovo.

And, fifth, delegations in Vienna have recently confirmed their determination to have ready for signing in Istanbul an adapted CFE Treaty that will enhance European security and military stability well into the next century. In our view, the Istanbul Summit is where we want all of these elements to come together, not as a celebration, but as a confirmation that we have the right vision and we possess the determination to stick on the path to reach our goals.

Mr. Chairman, I'd be glad to answer questions now or, perhaps, after Mr. Koh makes his comment.

Senator CAMPBELL. After Mr. Koh makes his comments. Thank you very much.

**STATEMENT OF HONORABLE HAROLD HONGJU KOH,
ASSISTANT SECRETARY OF STATE FOR DEMOCRACY,
HUMAN RIGHTS AND LABOR**

Sec. KOH. Thank you, Mr. Chairman, and Members of the Committee. I'm delighted to appear today, in this my first testimony before the Commission, on this important session with my friend and colleague, Assistant Secretary Grossman. I'm especially grateful to the President for moving expeditiously to name me as a member of this Commission, which gives me the advantage that if you have any hard questions I can don my Commissioner hat and steer them to the other witnesses. During my 4 months in office, I've also had the pleasure of dealing and speaking at length with the Commission's outstanding staff, and last month to become the first U.S. Assistant Secretary in my position to address the OSCE's Permanent Council in Vienna. As a Commission member, I share your broad interest in OSCE issues, and I am happy to answer questions about those issues, but because of time limitations, today I would propose to focus my remarks on the timely and important question of human rights in Turkey.

Human rights and democracy issues represent a central aspect of the bilateral relationship between our two countries, as Assistant Secretary Grossman just pointed out. Although they are occasionally viewed as a source of friction between the two countries, I want to emphasize that we promote human rights and democracy in Turkey, not just because we wish the best for this important ally, but also because these issues reflect the values that we hold most dear, individual freedom, communal tolerance and universal rights.

As the Chairman knows, our Country Reports on Human Rights Practices were released just a few weeks ago. As our report noted, serious human rights abuses continued in Turkey in 1998, but we had hoped that the 1998 report would reflect significant progress on Turkey's human rights record. Prime Minister Yilmaz had publicly committed himself to making human rights his government's highest priority in 1998. We had welcomed those assurances and respected the sincerity of his intentions. We were disappointed that Turkey did not fully translate those assurances into actions during the past year.

As Assistant Secretary Grossman has indicated, there were some encouraging signs. Some key members of government indicated their desire to institutionalize attention to human rights issues and took

some steps to do so, and we support those efforts. The Turkish Government proposed legislation that would ease some restrictions on free speech and facilitate the prosecution of civil servants, and has instituted mandatory human rights training for military and police officers, but Parliament has not passed the new legislation, and members of the security forces continue to commit gross human rights abuses.

Let me review briefly developments in five longstanding areas of concern: first, torture; second, restrictions on freedom of expression; third, harassment of NGOs; fourth, limits on political participation; and, fifth, Kurdish issues and issues in the Southeast.

Torture remains one of the most serious human rights problems in Turkey, despite the government's repeated commitments to end the practice. As we chronicle in the human rights report, torture remained widespread during the past year. It continued to be used during incommunicado detention and interrogation by police and anti-terror personnel. The case of 2-year-old Azat Tokmak, which I review in my written statement, illustrates how terrible and dehumanizing this practice can be for everyone involved.

Much of the torture problem can be attributed to a climate of impunity that's created by the rarity of convictions of security force personnel who abuse human rights and the light sentences imposed when convictions do occur. There were some encouraging signs in the first three quarters of last year, when some human rights observers noted an increase in the number of arrest and prosecutions of security force personnel. However, convictions remained inadequate and sentences minimal. Particularly disappointing was the recent verdict in the high-profile case of ten police officers from Manisa who were charged with torturing 16 teenagers in 1995. An appellate court had found evidence of torture while the students were under detention, and returned the case to the lower court for retrial, but the lower court once again acquitted all ten police officers.

As I noted, the Turkish Government had introduced draft legislation to increase the accountability of civil servants, but the Parliament has not yet passed the legislation.

With respect to the second subject, freedom of expression, another proposed reform would have eased some of the restrictions, but, again, this reform has not yet passed by Parliament. The changes would be a first step in the right direction, although we believe that the reforms should be wholesale, not piecemeal. The numbers of journalists in prison did decrease from 40 at the end of 1997 to 25 at the end of 1998, but it still remained among the highest numbers of any of the countries. Too many journalists, academics, cultural figures and politicians continue to be harassed, persecuted and imprisoned for expressing their ideas. Individuals and publications sympathetic to Kurdish Islamist and Leftist viewpoints, including Ismail Besikci, whose case I discuss in the testimony, have been particularly hard hit as the government continued its crackdown against fundamentalism and suspected PKK members and sympathizers.

With respect to NGOs, we had hoped that the Turkish Government's outreach, an effort headed by the then State Minister for Human Rights, would result in more freedom for NGO activities. On a positive note, Amnesty International cosponsored a conference in Istanbul in November, in which the State Minister participated, but hu-

man rights monitors continue to be harassed, with the Turkish Human Rights Association being particularly hard hit. In addition, doctors who document human rights abuses and lawyers who defend clients who are unpopular with the government, continue to be harassed and even prosecuted. Because these groups do play an important role in improving human rights conditions, we encourage the Turkish Government to view them as allies in these efforts.

With respect to the fourth subject, political participation, we believe, of course, that giving all elements of the society access to meaningful, political expression strengthens the larger society, while limiting political activity can foster opposition and extremism. This is why we've been particularly disturbed when political parties are closed or when police use coercion to break up peaceful demonstrations, such as the case of the Saturday Mothers discussed in my written statement, a group that holds weekly vigils in Istanbul to protest the disappearance of their relatives.

Turkish authorities have also limited political expression by closing political parties. Just last month, the Constitutional Court closed down the moderate Democratic Mass Party, which had publicly opposed PKK terrorism and advocated a peaceful solution to the situation in the Southeast. In January, the chief prosecutor for the Turkish appeals court filed a petition asking the Constitutional Court to ban HADEP, the pro-Kurdish People's Democracy Party, for threatening the unity of the state because of alleged links to the PKK, but the Court rejected a motion to ban HADEP candidates from the April election. HADEP's predecessors, the People's Work Party and the Democracy Party, were closed on similar grounds. In January 1998, the Constitutional Court banned the Islamist Welfare Party, REFAH, for violation of the secular nature of the Republic and banned several of its leaders, including former Prime Minister Erbakan, from political activity for 5 years. Other prominent Islamist political leaders have been prosecuted and banned from politics, including the Mayor of Istanbul, who was banned from politics for life and sentenced to jail for reading a poem in public.

A campaign against so-called "reactionaries" (Islamists) and "separatists" (pro-Kurdish activists), who are groups that the military publicly identified as threats to Turkey's national security, continued through 1998 and broadened out to include mainstream secular journalists, nonviolent leaders of human rights groups, some devout politicians and mainline conservative parties, and religiously observant Muslim businessmen. The campaign against pro-Kurdish activists intensified after the November arrest of PKK leader Abdullah Ocalan, when some HADEP members expressed support for Ocalan. Authorities detained a large number of HADEP members, and party leaders allege that many were tortured or beaten. Ocalan's capture and transfer to Turkey seem to have emboldened the state to silence even its moderate critics.

And finally, with regard to Kurdish issues in the Southeast, the recent arrest of Ocalan and ensuing protests in Turkey and throughout Europe have brought Kurdish issues to global prominence. Let me be very clear: the United States supports fully Turkey's right to defend itself against the terrorist PKK, which, as we note in our human rights report, is also responsible for many human rights abuses in Turkey.

At the same time, it's equally important to emphasize that the vast majority of Kurds in Turkey do not support the use of violence. They want greater freedom to express their language and culture. They want to remain Turkish citizens, but would like to organize politically around parties that speak to their cultural roots. An inclusive policy, which would grant more rights to the Kurds, would strengthen Turkey's integrity because the Kurdish community would have more of a stake in the country's future. Unfortunately, the Turkish Government has denied the Kurdish population, which is located largely in the Southeast, basic political, cultural and linguistic rights.

In addition, the government's armed conflict against the terrorist PKK has displaced now an estimated 560,000 civilians, left villages evacuated and burned, and devastated the economy. The Turkish Government reduced the state of emergency from nine to six southeastern provinces in 1997, but we had hoped that the government would have ended the state of emergency altogether by now. Unfortunately, Parliament renewed it again this month. We have long maintained there is no purely military solution to Kurdish issues. As Secretary Grossman noted, any enduring solution lies in the expansion of democracy, including full democratic political participation by all Turkey's citizens, and protection of their human rights. We hope that in the wake of the arrest and trial of PKK leader Öcalan there is a new opportunity for reconciliation.

It's an opportunity for Turkey to translate its good intentions for improving human rights into concrete actions. It is an opportunity to begin a process of reconciliation with its Kurdish citizens, so that they can express their culture and enjoy the full benefit of democratic political participation. It's an opportunity for Turkey to show that it understands the importance of conducting the Öcalan trial with transparency and in accordance with international human rights standards. We hope that Turkey will seize this opportunity, which is now presented to it.

The foregoing reflects just a quick overview of our major human rights concerns. As President Clinton and Secretary Albright have emphasized, as well as my predecessor, John Shattuck, human rights are a key feature of the bilateral relationship, and they have expressed this both to Turkey's Prime Minister and the State Minister for Human Rights. Turkey remains a priority country for our human rights policy, and we respect the sincerity of their commitments to improve human rights at the same time as we continue to engage them in a dialog on human rights. I have already met with the Turkish Ambassador here in Washington. I plan to travel to Turkey later this year, perhaps, for the summit or for bilateral meetings, if not earlier than November.

We continue to urge the Government of Turkey to make systemic changes, while at the same time, as Secretary Grossman said, not hesitating to raise specific cases of journalists, doctors, parliamentarians and NGOs that have raised serious problems.

In closing, let me just say a word about two other topics, arms sales and the Istanbul Summit. Turkey is a close NATO ally and strategic partner. Nevertheless, you can rest assured that we will continue to factor in human rights when considering arms transfers. We have on occasion held up the transfer of equipment based on concerns that it could become involved in violations. We have placed restrictions on how some equipment can be used.

Human rights will also achieve prominence during the summit. Assistant Secretary Grossman has given our reasons why holding the summit in Istanbul will help advance the human rights agenda. We believe that the event will shed a spotlight on Turkey's human rights record, serving as an incentive for the Turkish Government to make improvements. It will give NGOs a platform to highlight their concerns to a broad audience.

As the event approaches, we look forward to working with you, the Commission, and your staff in developing a coherent and principle of human rights approach toward these issues as they affect this key ally.

Thank you very much, and I now look forward to answering any questions you might have.

Mr. SMITH. Thank you, Secretary Koh.

I yield to the distinguished Senator, the Co-Chairman of the Helsinki Commission, because I know he soon must go for a vote. Please

Senator CAMPBELL. Mr. Chairman. I'll tell you what, apparently, we've got the vote already started. Why don't I go ahead over, it will take me about 15 minutes, and you can proceed in your questions, and then go ahead with the other panelists, and by then I'll be back and have some then?

Mr. SMITH. OK, thank you.

Let me ask a couple of questions. First, Secretary Grossman, I think this one would be best handled by you. You know, as we've raised it with State so many times, going as far back as November 22, 1996. Former Co-Chairman of the Commission, Senator D'Amato, and I asked that a new venue be found, because at that time there was only the possibility that Istanbul would be the place for this important summit.

Last year, a year ago today, Frank Lautenberg, Steny Hoyer, the two Ranking Members, myself and Senator D'Amato again asked that a different venue be found because of the despicable human rights situation in Turkey.

In your testimony, there seems to be words that suggest things are getting better, but things are getting worse. Some progress was noted, some encouraging signs were described, and yet, the Country Reports on Human Rights Practices makes it very clear, as do the reports coming from the NGOs, that the human rights situation probably is getting worse.

As a matter of fact, in his testimony today Neil Hicks will say that there is evidence to suggest that instead of seeing progress in human rights in 1998, in the latter part of that year and the first months of 1999, human rights conditions are deteriorating. He then goes on to say that the issuing, in October of last year, of the regulations on apprehension, police custody, and interrogation was but another what he calls it "death knell" in terms of due process rights or the administration of justice.

The testimony of Douglas Johnson, the Executive Director of the Center for the Victims of Torture, focuses on the use of torture, and it's a very difficult read. The Center does great work with those who have been tortured, but obviously if you can prevent it and mitigate its use, that is always absolutely preferable. Mr. Johnson quotes an interim report for 1998 that says, "Torture in Turkey is not a problem limited to a period of detention. Torture is systematically applied in

Turkey as an administrative practice. Whoever is deprived of his or her freedom under permanent threat of torture, from the very minute of detention, the inhabitants of certain locations in the state of emergency region encounter the same threat in their daily lives. The systematic character of torture in Turkey is not a result of fault or deficiency, but results from the fact that it is considered as an efficient practice of governance."

I have trouble reconciling the notion of the summit being held in Istanbul, especially given our longstanding concern that there would be a perception of rewarding Ankara with this important summit. I understand the argument that maybe some good may come out of it, but we must weigh this against the deterioration, demonstrable deterioration of human rights, and then words and I think they are almost weasel words like "some progress," or "some encouraging signs" are used. The bottom line is that there is this widespread use of torture and other egregious abuses.

Did we seek any other venue? Why did we push so hard for Istanbul to be the place for this important summit? And, is there anything that the Turks might do that might lead to a reconsideration, even at this late date? I mean, the glide slope, it seems to me from the NGOs, is a very negative one, and no matter how one tries to find some good there seems to be a worsening situation.

If you could explain the process. We raised our concerns in a bipartisan expression. Mr. Hoyer, who will join us, I'm sure, very shortly, was equally outspoken on that issue as well.

Please talk about the process.

Sec. GROSSMAN. Sure, Mr. Chairman, let me try to respond in the best way that I can, and you and I have talked about this, both in hearings and privately.

I guess if I could just make four points, if I could. First of all, I think that it's very important for you all to know that after the messages that you sent us in writing, in testimony that you and I have done together, in letters to the Secretary and the President, that because we chose something different we didn't take your views into account. For example, I know that on several occasions, as we were moving up to this decision, I had a chance to consult with members and staff to let you know what we were doing and where we were headed, because I didn't want this to be a surprise, number one, and, number two, I certainly didn't want you to think that we had not taken your views into account.

I think we looked at a whole range of other venues. You could have this in Vienna, where they are. There was an idea for a while to move it to Oslo, but in the end, and this is really the judgment call that we made, and I respect the fact that you don't agree with it, but here we are, as you say in your letter, now that this decision has been taken we ought to do something with it, we made the decision basically because, Mr. Smith, we didn't consider this to be a reward, and I guess that's my basic difference here, is that in my view what we have done is we have put this thing in Istanbul precisely because, as Secretary Koh said, and I tried to say in my testimony, our idea is to highlight the questions of human rights in Turkey. Our idea is to highlight the fact that NGOs ought to be part of civil society. Our idea is to highlight the fact that our NGOs can go to Turkey, and to follow up a

point that you made, and I tried to respond in my testimony, that's why we want part of this review conference to be in Turkey, so that NGOs have the capacity to talk about human rights.

And, if I could say, it isn't just about human rights. For example, I've been in a lot of conversations with Armenian Americans, who have encouraged me to make sure that this review conference is open to them as well, because we want their views to be out there.

Thirdfourth, I guess, let me just say that I just subscribe completely to the praise and the encouragement of the work you give to Doug Johnson and the Center for Victims of Torture. When I was the Ambassador there, and I hope you would agree, we were very big supporters of this, and it's for precisely this reason, is we've got to get into that society, not stay away from it, but get into that society and help it to change.

My basic concept here is that more democracy rather than less democracy is the answer to this question. There's a subset of that which is more self-confidence for Turks rather than less self-confidence for Turks, and I think our job, as Assistant Secretary Koh said, needs to support those people in that society who are interested in making change, and I think that they are the vast majority.

In terms of a description of the situation, I think that Assistant Secretary Koh gave you a fair one. We tried to be fair in our testimony, but we both agree that the 1998 human rights report certainly is clear and stands for itself.

Mr. SMITH. Secretary Koh?

Sec. KOH. I endorse the comments made by Secretary Grossman and add that our human rights strategy on this point is something we've described in other contexts, which is an outside/inside approach.

With an ally like Turkey, with whom we have multiple channels of influence, we can use the Istanbul Summit as a tool, to focus attention and use sunlight as a disinfectant on the process. That's the engagement strategy: to bring these conditions to light, and then press for democracy on the grounds that more democracy leads to more human rights.

Mr. SMITH. Do you anticipate that there will be access to prisons by yourself and others and, perhaps, even congressional delegations? What kind of openness can we expect, are we likely to revisit the Moscow rules with regards to NGO access?

Sec. KOH. Well, certainly when I go to Turkey I'll be engaged in bilateral discussions, as well as discussions relating to the summit. In all of my bilateral trips I raise, not just systemic questions, but also questions of access and questions with regard to individual cases.

Secretary Shattuck, my predecessor, went to Turkey three times. He met with prisoners, with NGOs, and with other groups. We assume as the NGOs are there, they will also be focusing attention on these questions.

Mr. SMITH. Secretary Grossman, in your list of objectives for the summit on page five, why wasn't human rights listed as one of the objectives?

Sec. GROSSMAN. I guess it wasn't listed as a primary objective because I'd spent the previous X number of pages going through it. What we want to do, as I said there, is to make sure that OSCE is an opera-

tional institution. The fact that we want the security model to seek a framework for peaceful democratic change in a prosperous context, I had felt, I guess, that I had covered that. I apologize.

Mr. SMITH. Well, the concern in reading the testimony, and hearing this capsulation or summary of what our objectives were, is the absence of human rights as an objective, especially since the Turkish Government will be arguing non-interference, even though that's contrary to Helsinki agreements and commitments to which they have agreed. Do you want to elaborate on that?

Sec. GROSSMAN. Yes, I would just say, one, my mistake. Since we were talking about human rights, and Turkey, and I had done so much of it, I didn't feel the need to repeat it, but when we do this again we will be glad to do it.

Second, I think it's very important to just pick up this issue of non-interference. I think certainly our proposition in Turkey is that we are not interfering in their internal affairs to talk to them about their human rights and democracy. I mean, I think the days of that are over. I think the modern world, through OSCE and the other things we do, means that you sign up to conventions, if you are part of organizations like NATO, and you are part of the OSCE, people have a right to come and have a discussion with you and make a judgment about human rights policy.

Sec. KOH. Maybe I can add, Congressman, that the OSCE summit will be like any other OSCE summit, a full-fledged summit which focuses not just on security and cooperation, but democratization and human rights. That's what the human dimension is all about. And, I think that it's really through the complementarity of our testimony, which I think we gave full attention to the human rights concerns that we're going to be pressing, both bilaterally and multilaterally.

Mr. SMITH. Let me ask one question before yielding to my Democratic friend, Ben Cardin. This last week we've witnessed one of the most horrific killings in another part of the world, in Northern Ireland, of a woman, Rosemary Nelson, who was a defense attorney and a human rights activist in Belfast. I held three hearings in the Subcommittee on International Operations and Human Rights on the human rights situation in the north of Ireland. I went there and tried to raise the issue in a way that would be constructive, making it as much as possible a part of the peace process. The one point that I made repeatedly is that human rights activists are the ones that we need to put the sand bags around. I know Secretary Koh you have made this point frequently.

Ms. Nelson was murdered, she was assassinated, in an attempt to deter the defense of those peoples who assert their due process rights, wrongfully accused, or even rightfully accused, people should have their rights respected. Her testimony was very strong when she came and testified last September.

I see real parallels with respect to the harassment of the NGO community in Turkey, I've been walking around with a sickness in the pit of my stomach over her murder. One, because we did invite her, and I got to know her very well, and I deeply respected her. As you know, and as the NGOs who will testify here, the NGO community in Turkey is under siege almost without ceasing, relentless siege. It seems to me that if there's one thing, in addition to mitigating torture and hopefully ending it, to come out of this summit is that the NGO community has to be protected.

I remember when Steny Hoyer and I, and others met in Czechoslovakia with members of Charter 77. We were trying to say the people who are blowing the whistle that they are the ones we have to protect to the utmost. If there is any group that we live and die for, it's the human rights activists. They put their lives on the line. Just this week, with Rosemary Nelson's murder, we have again lost a human rights crusader.

Could you outline any specific things you might recommend to the Commission and what the Administration might seek to do to protect those NGOs? Even if there's not a retaliation during the fora that take place there, we would hope that there is no backlash visited upon them as soon as the lights go out and the TV cameras leave, so that those people who come forward and speak out on human rights, and try to make a difference in their own country, are protected.

One last footnote, yesterday we marked up legislation you spoke to this problem when you testified, Secretary Koh about the four leading individuals in Cuba who have now been sentenced. As you know, they went on trial right before your testimony, and now they have been sentenced. I'll never forget when the rapporteur from the United Nations visited the Island of Cuba, with all of the promises that there would be no retaliation. As soon as those lights went out and he was gone, every one of those who spoke to the rapporteur was dragged before courts and was harassed. Some of them were given prison sentences as a result of coming forward in what was supposed to be an unfettered approach to the U.N. rapporteur.

How do we guarantee that the NGO community does not suffer gross indignities when we all leave Istanbul at the end of this? Please respond.

Sec. KOH. Well, let me address the specific case and then the general concern, both of which I share. Obviously, as a Commissioner, I have and share the concerns of all Commissioners, that people who come and appear before this body should not be punished or retaliated against, or in other ways targeted because of their participation.

Moreover, I share completely the concern about human rights defenders. On December 10th, at the White House ceremony celebrating the 50th anniversary of the Universal Declaration, there was a particular focus on the needs of human rights defenders, in which we specifically mentioned the four Cuban dissidents who you have mentioned. This is obviously a problem worldwide in a whole range of issues.

With regard to Rosemary Nelson, just yesterday I met with human rights NGOs on the issue. President Clinton has been working the issue on the connection with the Good Friday Accords. We are moving in a number of different fronts to address the question, particularly in our bilateral discussions, and we are gathering more information.

Obviously, this follows from a concern that you had about the Fanukan case, which we discussed the last time I appeared before you in connection with the Country Report, and I agree that this is a major concern. There are other human rights defenders in Northern Ireland who have to be protected, and we're trying to do everything that we can to address that concern.

With regard to the broader question about Turkey, it seems to me again, this is where we think sunlight is the best disinfectant. It's true that NGOs, as we said, have not had sufficient freedom and, in fact, have been targeted in various ways in Turkey. We think the Istanbul Summit will give the Turkish Government an incentive to address the concerns, especially with the arrival of NGOs and officials from around the world who are focused on the human dimension.

As the world of the OSCE descends on Istanbul, it will have to be a major concern, and I think that will be a tremendously important point of influence on this question.

Mr. SMITH. Mr. Secretary?

Sec. GROSSMAN. May I make an addition to that, and that is to say, I think it is worthwhile, Mr. Chairman, paying tribute, first of all, to Members of this Commission who have gone to Turkey, because I think it's the travel of Members of Congress and their staffs who can pay attention to NGOs, not just when it's the time for a summit. And, it gives the message to the Turkish Government that we are interested, not just in these NGOs, but in the religious groups in Turkey, for example, when you go and see the Ecumenical Patriarch, or to go see the Rabbi, those are very important visits because it sends the message to the public in Turkey that we are interested in these people. So, I think part of our strategy should be to work on this in advance, with you and with other Members of Congress.

Second, I think it's worthwhile to pay tribute also to the work that our mission does out there, in Ankara, in Istanbul and Adana. I mean, we have people who try very hard to be next to, and to show courage, to have NGOs show courage, and I pay a lot of tribute to them and to Mark Parris, our Ambassador.

And third is to, I think we ought to contemplate together what our strategy is right after the session, because there might be the time to make sure that there's a special engagement by members and their staff, making sure that there is a special effort made by members of our mission and other missions to try to avoid exactly the problem that you lay out.

Mr. SMITH. Let me just add, I think that's something we really need to pursue together. I applaud, not only your statement, but you, in testimony that our NGOs will make, are cited for speaking out as well when you were Ambassador.

One of the things that we need to convey to the Turkish Government is that it will be absolutely not tolerated, there will be no tolerance for retaliations. I had hoped that message had been sent to Beijing prior to the President's very high-level and high-visibility summit, and yet, the Chinese dictatorship had the audacity to be arresting people even as President Clinton was in China. Certainly the aftermath that we've seen with the fledgling Democratic Party. In hearings, we've heard from those who escaped and got out. You know, these are the people who are talking human rights and democracy. I would hope that there's something we could convey aggressively to the Ankara government that there will be no toleration of retaliation against participants.

If there is any indication that there's a round-up before the summit, an effort to gag those who would speak out, there should be serious political and diplomatic repercussions as well. We need to let them

know in advance that there is a clear and unambiguous penalty that will be visited upon them, including Heads of State who may not attend the summit. And, I would hope that if a round-up of NGO or human rights activists were to occur or they were harassed prior to the event, that we would not participate either.

Mr. SMITH. Senator?

Senator CAMPBELL. Thanks, Mr. Chairman. I'm sorry I had to step out.

I hope I don't repeat some of the same questions that have been asked. Has Congressman Cardin gone already?

Mr. SMITH. No, just you.

Senator CAMPBELL. Well, I'll try to ask at least the ones I had on my mind, and if they've already been asked just let me know and I can look it up in the record and you won't have to waste your time.

But, I'd like to talk a little bit, or ask a little bit about Kosovo, and then Turkey, too. According to this morning's CNN Report, it appears that the refusal of the Serbs to come to the negotiating table may trigger some obviously, some bombings or some armed response, and I wanted to know a couple things. Since Prime Minister Primakov is coming to Washington next week, do you think these attacks can go ahead while he's here?

Sec. GROSSMAN. Mr. Campbell, I'm going to give you an answer which you will take as avoiding your question, but I'll give it to you anyway.

Senator CAMPBELL. OK, go ahead and avoid the question.

Sec. GROSSMAN. The Secretary, and Sandy Berger, and Secretary Cohen are currently doing a briefing of Senators on this very subject.

What I can say is, is that we've obviously followed a path here over the past several months, which has been one of diplomacy backed by the threat of force. We have tried very hard to get both of these parties, the Kosovar Albanians and the Serbs, to do the right thing here.

What I think is happening over the next, maybe today even, or tomorrow, is that you are likely to see, as you saw on the television, I think today or tomorrow you are going to see a Kosovar/Albanian signature on some kind of a document.

If that happens, and the Serbs don't sign, I think the next thing that you will see, Senator, is a meeting of the North Atlantic Council up in Brussels, and then we're going to have to assess how to go forward.

Senator CAMPBELL. Well, it appears we don't have much support among our NATO allies, and no U.N. resolution. Do you believe the Administration is willing to just go it alone if we have to?

Sec. GROSSMAN. I think that actually there's more support from key allies, certainly in the contact group, British, French, Italians, who have been working very closely with us since August on this. And, I think actually the contact group has been a pretty good instrument for us, because it's involved the Russians as well.

On the question of the United Nations, I mean we believe that a resolution in these cases is always desirable, but that there are some cases in which the United States, other allies, NATO for example, would have to act, and that's the

Senator CAMPBELL. Knowing Russia's position, and China's, that would probably be vetoed anyway, but all right.

Sec. GROSSMAN. Well, it's the position we came to last October, when we were pursuing the same kind of diplomacy. You had 250,000 people out there homeless, and we said that this is something that the International Community has to deal with.

Senator CAMPBELL. Knowing Mr. Milosevic's past performance, he's not above grabbing whatever Americans are handy and holding them hostage, too, and that certainly could happen again.

In your view, do we have what it's going to require, some extraction forces or some way to protect people that may be held hostage?

Sec. GROSSMAN. Well, there are two issues here. One is our embassy, and, obviously, we pay very close attention to the people who are there. We've reduced their numbers, and I think as the situation gets more serious we will continue to take action to make sure that they are very well protected.

The second, and very relevant to this hearing, Senator, of course, are the OSCE monitors, and there are now 1,600 people out there, and as I said in my testimony, they showed a lot of courage.

Senator CAMPBELL. Could we be putting them in jeopardy?

Sec. GROSSMAN. Well, our whole purpose is not to put them in jeopardy, and you can rest assured that as the situation goes here over the next few days people are going to watch that situation very carefully to make sure that they are not in jeopardy.

Senator CAMPBELL. Well now, speaking of the OSCE's number of people that are over there, as I understand it the Administration has promised to pay at least a substantial share of the costs of keeping them there, what's the total cost likely to be?

Sec. GROSSMAN. I apologize, Senator, I don't know, but I'm glad to get that answer for you.

Senator CAMPBELL. Could you find out for us?

Sec. GROSSMAN. Sure, of course.

Senator CAMPBELL. Well, if you don't know, then you don't know if it's in the President's budget this year or not, or in his fiscal year 2000 budget.

Sec. GROSSMAN. I know that we have put some money in, not only to cover the costs that are associated directly with the State Department, but also with our contribution to OSCE, but I think it would be best if I gave you a written response that's absolutely accurate.

Senator CAMPBELL. Let me now turn to Turkey and reaching some kind of political stability there. The fundamentalist party called Virtue, I don't know very much about them, very frankly, but I understand it's a possibility that they may end up with a substantial number of seats in the Turkish Parliament. Is that your understanding, too?

Sec. GROSSMAN. Well, no one will know, obviously, until the vote, but all the opinion polls show that they have a large number of people who will vote for them, and in the past, Senator, they have come usually in, you know, 15, 17, 18 percent, which has gotten them

Senator CAMPBELL. They are basically Islamic fundamentalists, though, are they not?

Sec. GROSSMAN. Well, they are an Islamic party, and they'd have to speak for themselves about their views.

Senator CAMPBELL. And, the way the Parliament is set up, if they were in the majority of seats, then they form the next government, is that the way it works?

Sec. GROSSMAN. Well, what's happened once before is, even though they weren't in the majority of seats, the other parties were not able to come to a majority, and Mr. Erbakan did serve as the Prime Minister for some months.

Senator CAMPBELL. Well, the reason I ask is that, in another committee hearing, it's not related to OSCE so much, but we heard from some ladies the other day here in the Senate that were from Afghanistan which is ruled by the Taliban, and it's also an Islamic religious fundamentalist state, and clearly, there are rights in that area that are being denied. These women were telling us they cannot get jobs. In fact, they are required by law not to work. They can't get even doctors' examinations, because, apparently, it's against their beliefs that any man should look at a woman without this full clothing gear that they wear, and so they are being denied basic health services, too.

Sec. GROSSMAN. Let me say three things, if I could.

First, for whatever else Turkey is or is not, I think Turkey is not Afghanistan, and that's a very important point.

Senator CAMPBELL. Say that again.

Sec. GROSSMAN. It's not Afghanistan. I mean, when you say

Senator CAMPBELL. Yes, I understand that.

Sec. GROSSMAN [continuing]. That Afghanistan is a fundamentalist state, Turkey is not a fundamentalist state, Turkey is a secular republic. And, I think actually, Senator, that one of the reasons, if I could say to the Chairman as well, one of the reasons to pay attention to Turkey is precisely the reason you lay out.

I've always said that, and I apologize to anyone who is more academically oriented than I am, but Turkey is the place where we need to make sure that Samuel Huntington in his *Clash of Civilization* isn't right, and that we ought to be able to find a way to support a country that's trying to be secular, democratic, and Islamic simultaneously.

In my view, Senator, just to answer the question on the Islamic Party, that party is going to get votes each time there is a Turkish election. The important thing about Turkey, and as I tried to answer the Chairman's question, is that Turks need to be self-confident in their democracy, and we need to be confident in their democracy.

And, if they can have this democratic system work, and work on the values that we are interested in, I think they are, too, of pluralism, and openness, and freedom, individual freedom, I think they can solve this problem without wandering toward or heading toward some of the things that I think would be a tremendous disaster for them.

Senator CAMPBELL. Well, I think it's extremely important, because Turkey has been a wonderful ally to us, you know. I can remember my own personal experiences when I was in Korea during the United Nations force during the Korean War. Our compound, the American compound was right near a Turkish compound, and I had a chance to spend a lot of time with Turkish soldiers, and, boy, I want to tell you, they are a people that are courageous, and strong, and resolute, and have been a terrific ally to America. So, I hope we find the right balance between keeping that very strong relationship we've had with Turkey and still helping them with the problems they are going to have with the potential denial of human rights.

Sec. GROSSMAN. That's our goal exactly.

Senator CAMPBELL. The Kurdish population of Turkey, if they do start some kind of a resistance to majority domination, and the Turks respond with some kind of a crackdown, what is our position?

Sec. GROSSMAN. Well, I guess our position is the reverse of that, sir, which is to say that our position

Senator CAMPBELL. And, how are we going to implement that, or bring it to a head, or force that?

Sec. GROSSMAN [continuing]. Yes, our position is, as Assistant Secretary Koh and I tried to say, is now, especially now, with the arrest of Mr. Ocalan, now we believe is the time for the Turkish Government to do as much reaching out to this Kurdish population as possible, and now is the time to try to move toward some kind of reconciliation.

I think that only if our policies and their policies failed, our whole objective, Senator, is to avoid exactly that, and our advice to the Turks is to make the kinds of changes in the Southeast, and as Assistant Secretary Koh said, in the protection of individual rights for all Turkish people, to make sure that

Senator CAMPBELL. The bottom line is, we don't have an awful lot of leverage, do we?

Sec. GROSSMAN. I think our leverage in Turkey is the one that you started out, which is, Turkey is an ally of ours, Turkey listens to us, Turkey, I believe, in the majority wants the same kinds of things that we do, and our leverage in Turkey, with respect, is that we are prepared to engage with Turks and not walk away from them.

Sec. KOH. Senator, maybe I can add that the two points that you have mentioned human rights, particularly the treatment of women, but also the Kurdish question are both points of concern.

On the other hand, the two moments of import that are coming up, one the elections, and two the Ocalan trial, are moments of opportunity to reach out in dialog with the Turks and to try to get them to address these questions.

The value of a hearing like this is that we make clear what our position is at these moments of opportunity, and then we can use these moments of opportunity, as well as the summit itself, to press these concerns on the new government.

Senator CAMPBELL. I see, thank you.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you.

Mr. Cardin.

Mr. CARDIN. Thank you, Mr. Chairman. First, I really want to thank you for holding this hearing, to give us an opportunity to go on record and to get testimony before the conference. And, I want to concur with much of your comments and what Secretary Grossman and Koh have said. Yes, it is clear Turkey is a very important ally of the United States and a good friend.

It's in a strategic part of the world, and has problems with terrorism, there's no question about that. And, you have stated, Secretary Grossman, it's in their interest to deal with human rights. They are a member of OSCE. We are a member of OSCE. We have the right and obligation to raise these issues of human rights.

So, I come to this hearing listening to what has happened over the past year, and listening to what Secretary Grossman has said, that this is an opportunity for us to use this summit to raise these issues, and you've encouraged us to visit these countries.

I was part of the Porter Codel last year, 1 year ago, and I must tell you I was very optimistic. Mr. Yilmaz made some incredible comments before our visit about his priority on human rights, and an acknowledgment by their Prime Minister that there is a problem there was I thought a major step forward, and we met with Minister Turk, who at the time was the Minister for Human Rights, I think he's now the Minister for Defense, and he told us all the plans, his inner-Cabinet group that had been put together, and they were monitoring all these human rights, and they were going to bring these bills before their Parliament, and they were going to make this progress. And, we met with General Bir, a very impressive individual, and it was clear to us that the military has a great deal of influence in the Turkish Government, and his commitment to human rights.

So, when we left Turkey, I think it was safe to say that our Codel was optimistic that we were going to see some progress, but I hope it wasn't our visit that caused the lack of progress during the past year, because we haven't seen progress during this past year.

And, the OSCE, the Helsinki Commission here is a unique product, as my friend, Mr. Hoyer, frequently mentions. It's one of those few examples where the Executive and Legislative branches have tried to work together as one entity. And, I think it was somewhat unique for us, in a very unified way, to say to you that before you agree to a summit in Istanbul that there's got to be some understanding about human rights, that we are going to make progress on human rights.

Rather than yielding or working with us, it looked like you became the advocate for the Istanbul, and I think that troubled us. I just want to put that on the table, because we do work together so closely on so many different issues, and it's important that we continue to do that, but I don't think that just going to Istanbul, in and of itself, will produce any progress on these issues.

I must tell you, you mentioned that you hope to come out with a security understanding from the Istanbul Summit, I hope you plan to come out with human rights agreements from the Istanbul Summit. I hope that we can impress upon the host country that being the host country carries with it certain obligations, certain expectations, and that our participation must be matched by their actions on these human rights agreements.

We have been talking about this for a long time, and it's painful for many of us, because we know the importance of this nation. And, the point that you raised, Secretary Grossman, about trying to be a non-sectarian, trying to be a secular government, and to keep its religion out, and trying to be a democracy, and dealing with these issues, and of being a Muslim state, all that together is remarkable and we want to encourage, and we want to work, and we want to continue and grow with this relationship, but it makes it difficult to make the type of progress when they tell you one thing on human rights and then they do something different. They tell you they are going to allow freedom of expression, and then they don't allow freedom of expression. They tell you they are going to respect the NGOs, and then they

don't respect the NGOs. They tell you they have this commitment among their Cabinet members, and then all of a sudden there's a reshuffling and we don't even know what's going on.

So, I just express my frustration that I would hope that we could work together and work toward this summit, producing some concrete results on human rights, and the host country has to lead the way.

Sec. KOH. Congressman, maybe I should say that sharing your appreciation of the OSCE and your concerns about the human rights issues in Turkey, and also having studied carefully the Codel itinerary and the people with whom you met, many of with whom I would hope to follow up, it seems to me that the key point is that human rights improvement in a large and complex country like Turkey is something which has to be pursued over a long period of time by a lot of interlocutors, not just one. I think you are right that we may end up being disappointed if there's no follow on.

The OSCE is a remarkably versatile organization, as expressed by the fact that it's doing such important work in Kosovo. At the same time it is dealing with Turkey and other important countries. It's not just the United States who will be the summit. All of the OSCE countries, every important ally that Turkey has in that part of the world will be at the summit.

And, that human dimension, not just the review process, but the whole human dimension element, will be a key part of the summit. This has to bring the issue to the forefront of their concern. It guarantees the kind of systematic comprehensive examination of the question that we would all like to have.

Mr. CARDIN. I just would make this comment. It would certainly be, I think, helpful if Turkey were to take certain actions before the summit, and try to put this issue aside, so the summit would deal, as it should, with the regional issues that you need to deal with at any type of a summit.

But, if we have no progress made on these areas, then it seems to me that it's going to become a focus for these issues, which may be positive and may not be positive. Our objective is to make progress, and let me point out, our Commission received a letter from the Turkish Embassy sort of saying, and I'm quoting from it, 'I have certain difficulty in understanding the need to hold such a public hearing,' talking about this hearing.

Mr. SMITH. Would the gentleman yield?

Mr. CARDIN. I'd be glad to.

Mr. SMITH. We invited representatives from the Turkish Embassy to be here to give an account and they declined. That invitation is open any time, any place.

Mr. CARDIN. Well, good luck, and let's work together, and let's make progress.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Cardin.

Let me ask a couple of final questions. In reviewing the Amnesty International testimony, which we just got, Mr. Rickard, the Director of the Washington office, makes some very important points. Getting back to the torture issue which I began with, he has a picture of a little 12-year-old girl who was accused of stealing bread, was detained

for, I believe, 5 days, and was tortured using electrical shock treatments. Mr. Rickard quotes her account as to what a horrible, horrific situation that was.

We know that there are American companies selling products that could be used for electric shock treatment, and yet, under existing U.S. law, U.S. companies don't even have to seek Commerce Department review for electric shock weapon exports to Turkey. Is that something that the Administration would seek to change? As I understand it, Turkey, as part of NATO, gets some kind of exemption, but it seems to me that when we have an epidemic of torture ongoing, persistent, and commonplace torture the implements used which are coming from this country need closer regulation. We need to make an exception to the law, if that is what is required, override the law, and provide for some kind of monitoring. If not, I would like to see the export of such equipment shut down. Is there a response to that?

Sec. GROSSMAN. I'll make two responses. One is, I think just to be absolutely clear, and I know I speak for Secretary Koh on this, torture in Turkey ought to stop completely, now, today, and I believe also that Turkey could stop torture if it put its mind to it. That was my position as the Ambassador, I know it's Mark Parris' position, it's my position today. It is the thing that I think that they ought to pay attention to and pay attention to right now.

Second, I apologize, Assistant Secretary Koh knows more about this, I don't know about this, but I'd be very glad if we could get some more information, it's something I'd be glad to work with you on, I would hope that it could be done in an order, an Executive Order, whatever it takes legally to immediately stop the export of those kinds of implements and that kind of product.

Sec. KOH. Well, we speak with a unified voice on this. I mentioned in my testimony another case of a 2-year old who was tortured. Obviously, this is something that we condemn. As I mentioned in my testimony, we are very focused on making sure that U.S. arms are not used for human rights abuses.

Just the other day Mr. Grossman and I met with NGOs to talk about that question. Now, if this falls within an exception, then it's something which we have to examine to make sure that it's not going to be a problem.

Mr. SMITH. Let me mention for the record, and again I think we need to work on this expeditiously, Amnesty has reported that at least one U.S. company has been actively seeking to market electric shock products in large volume in Turkey. That's outrageous. So, hopefully

Sec. GROSSMAN. Maybe we can get Steve's testimony, and we'd be glad to look at it.

Mr. SMITH. Let me ask a question with regards to the use of United States equipment in human rights violations. We got a report in July, suggesting that was likely the case, especially against the PKK. It's very likely that U.S. materiel that is now in Turkey's hands was used to commit atrocities. How have we protested that, and how does that effect any future arms sales, like the proposal of helicopters at \$3.5 billion? In fact, has any decision been made on that proposal?

Sec. KOH. Well, I can explain our process. We've had extensive discussions both with Congress and with NGOs about this question of how human rights concerns factor into arms sales. This is something which is done on a case-by-case, contract-by-contract basis.

Both Secretary Grossman and I participate in a certification process which works, in which we make a recommendation to the Secretary. There have been a number of well-known cases in which arms sales have been blocked, precisely because of human rights concerns. And, we've been engaged in very open dialogue, both with Congress and the human rights groups, about our shared concerns. We continued that dialogue just last week.

Mr. SMITH. Is it your belief that U.S. supplied military equipment was used in human rights violations?

Sec. GROSSMAN. We certainly stand by the report. I mean, we helped prepare that report, and I think its conclusions are the ones. It gave us, actually, an opportunity, to answer your specific question, actually to raise this at all kinds of levels in Turkey, to say, you know, this is precisely the kind of report you don't want to have presented to the Congress.

Mr. SMITH. But, what is the penalty when they use our supplies, that we have sold them for such atrocities?

Sec. GROSSMAN. I think we have to factor all these things into account when we look at the next arms sale, and I think we did that recently with the armored personnel vehicles. I mean, I'm sure that there's not what we did wasn't 100 percent applauded by everybody in the universe, but I think we tried to make a judgment here about where that equipment could be used fairly and where it would not.

Mr. SMITH. In Turkey, there is an ongoing problem with human rights violations on a massive scale against the Kurdish minority. You know, both of my brothers are pilots, one was a fighter pilot who flew A-7s, the other was a helicopter pilot and flew Cobras. We all know that helicopters, especially in talking about this kind of operation, are the means of choice, the vehicle of choice, especially when mounted with guns and rockets. They can do incredible damage to civilians, and obviously can be deployed very fast to a situation.

It seems to me, given the backdrop of these egregious human rights abuses, that even considering a sale of helicopters is unthinkable, but maybe I'm missing something.

Sec. KOH. Well, I think the point, Congressman, is that not only do we have a global policy reflected in statutes with regard to limiting arms sales to those who would provide those to security forces, and engage in human rights abuses, but we had specific discussions with the Government of Turkey, with the Yilmaz government, and those conversations will proceed with the next government on specific concrete issues as they arise. And, as Secretary Grossman has said, a number of very high-profile sales have been blocked, precisely on this ground, through a consultation process between our two bureaus that went to the Secretary.

Sec. GROSSMAN. Can I just add one sentence, because I think it's important, and it's something I would encourage you all to do as well, is we have also tried to add onto our team, if you will, the companies themselves, and that is to likely have consulted with the human rights groups and the NGOs. We've also tried to reach out to the companies to say, you know, this is your business, we support your business, because we want to do business for American companies in Turkey, it's very important, but that they also need to speak up for these kinds of issues as well.

I think everybody got played off against one another, and there were these people saying one thing, and others saying another, and we've tried very hard, Assistant Secretary Koh and I, to make sure that the companies themselves, not only know what our concerns are, but speak to them as well as Americans.

Sec. KOH. Indeed, I would add that Secretary Grossman and I have a policy of attempting to give the same message on these issues to the Turks, the NGOs, Congress, and to the corporate groups who are engaged in these processes, as did my predecessor Secretary Shattuck, who also worked closely with Secretary Grossman on this. We are not delivering different messages. It's the same message.

Mr. SMITH. Do you know if there's any human rights organization that would agree to arms sales like the helicopter sale to Turkey?

Sec. KOH. Well, it depends on the conditions under which the sale is made, and the conditions are ones that have to reflect the human rights concerns that we've been discussing.

I think the human rights groups who are going to testify will talk about the conditions, the human rights factors that have weighed in. We've spoken to them quite frankly about it.

Mr. SMITH. Let me ask one final question on the Saturday Mothers issue. Have we received any response, assuming we've raised the issue? What has been the response from the Turkish Government? When mothers and loved ones simply seek an accounting for their disappeared family member, mistreating those individuals seems to be adding considerable insult and agony to an already difficult situation.

Sec. KOH. Well, Congressman, every one of the issues that's been raised in the testimony was drawn from the Country Reports, and all of those incidents have been the subject of direct discussions between the U.S. Government and the Turkish Government.

These are concerns that we have in the bilateral relationship. We've said that our goal is not just systematic change, which we think is the ultimate solution and remedy for human rights abuse, but also to raise particular individual cases and concerns as they arise.

Mr. SMITH. Senator, do you have any final questions?

Senator CAMPBELL. I have a speaking engagement at noon, Mr. Chairman, so I'll have to leave pretty soon, but I did have a number of questions, and I'd like to submit them in writing, and they deal with some religious intolerance, with persecution of ethnic minorities, and with property restitution. If I could get those to you, have you respond to the Commission in a couple of weeks or so, I'd appreciate that.

Sec. KOH. I should just mention on the property restitution case, that I understand that Under Secretary Eisenstadt, who has been the point person of the Department, will be coming in next Thursday to testify before the Commission, and you could also raise them with him. And, we'd be delighted to work with you.

Senator CAMPBELL. Thank you.

Mr. SMITH. Thank you, Senator.

I just have one final question for clarification. Will the entire OSCE Review Conference take place in Turkey before the summit? Has that been agreed to?

Sec. GROSSMAN. I think the way it stands right now is that we are seeking that part of it will go there. This isn't a Turkish question, or Turkey question, this is a question of financing in Vienna, and I think they are trying to figure out how much it costs and how to save money.

Our position is really clear, which is that the majority of the review conference ought to take place in Istanbul, and we're glad the Turks have said yes to that.

Mr. SMITH. I, too, will have some additional questions, as I'm sure other Commission members will have additional questions in writing. Thank you very much for your testimony. Let's look to work together now that holding the summit in Istanbul is a done deal to try to bring some good out of it.

Thank you.

Invite our second panel to the witness table. Please take your places, beginning with Stephen Rickard. Stephen Rickard has directed Amnesty International USA Advocacy Effort in Washington since 1996. Previously, he served as Senior Advisor for South Asian Affairs at the Department of State, and was a Senior Policy Advisor to Senator Moynihan of New York.

Doug Johnson currently serves as Executive Director of the Minneapolis-based Center for Victims of Torture. Doug was a member of the OSCE Advisory Panel on the Prevention of Torture, and was a member of the U.S. Delegation to the 1997 Implementation Meeting on Human Dimension Issues that met in Warsaw.

Let me say, if Secretary Koh has the time, we would ask him, if he would want, to join us. I'm not sure what your time restraints are, but as a Commissioner we'd love to have you here. I don't want to put you on the spot, you may have several things planned, but we'd love to have you.

Finally, let me invite Neil Hicks, who serves as Senior Program Coordinator, Middle East and North Africa Program for the Lawyers Committee for Human Rights. He has traveled extensively in Turkey with teams of legal experts from the United States, and has well-placed access to the current state role of Turkey today.

Mr. Rickard if you could begin.

**STATEMENT OF STEPHEN RICKARD,
DIRECTOR, WASHINGTON OFFICE,
AMNESTY INTERNATIONAL USA**

Mr. RICKARD. Mr. Chairman, thank you very much for holding this important hearing concerning 'The Road to Istanbul: Human Rights in the Republic of Turkey.' My name is Stephen Rickard, and I am grateful for the opportunity to testify on behalf of Amnesty International. Because you are hearing from a number of other very distinguished and expert witnesses today, I've endeavored to keep my remarks brief.

I would note that this is my first time testifying back over on this side of the Capitol, and it's a bit of a homecoming for me. I spent five very interesting and enjoyable years just about six doors down this corridor in Senator Moynihan's office, so I'm very pleased to be here.

I would ask at this time that my written statement be included in the record of the hearing, along with a report that my office has prepared on the *The Human Rights Record of Turkey's 'Anti-Terror' Police Units*.

Mr. SMITH. Without objection, all of those will be part of the record.

Mr. RICKARD. Even a brief visit to Turkey will impress the visitor with the warmth, hospitality and energy of its people, the beauty and extraordinary richness of its history. But, behind the beauty of its countryside and its strategic importance lie some ugly facts about the continuing human rights violations therefacts which it would be neither moral nor prudent to ignore, however great the temptation. Amnesty International continues to be encouraged by the unblinking candor the Clinton Administration has shown concerning the situation there and its repeated pledges that human rights will be a central consideration in U.S. policy toward Turkey, and I was again encouraged by the testimony that you took from your earlier distinguished panel.

However, because of the magnitude of the problems in Turkey, I'd like to take just a minute at the beginning of my testimony, as you alluded to earlier, to put a human face on the problem in Turkey. This is a photograph of Done Talun. She lives in a poor neighborhood in Ankara, and 1 day, as you noted, she was accused of stealing some bread, picked up and taken to the Ankara Police Headquarters. For 5 days, she was beaten and tortured while her frantic family asked for information about her whereabouts and condition. Here's part of her testimony:

'In the evening I was blindfolded. They tied me up and connected a wire to my fingers... Then one of them switched on the generator. They also gave me shocks to my face. Next morning I was interrogated... I told them I didn't do it. One of them beat me with his walkie-talkie hard on the head. They also punched me in the stomach... I shared a cell with three other girls. We had to watch each other receiving electric shocks, while we were all waiting in the same room for our turn to come...' After she was released she was examined by medical doctors who determined that she had physical injuries consistent with her allegations.

This 12-year-old girl was tortured with electric shocks and beaten over 5 days on suspicion of stealing some bread.

Is this young girl's case unique? Unfortunately, it is not. We probably couldn't cover in detail all of the cases that are similar in this hearing, but I would like to draw attention to one additional case, which was, in fact, mentioned in the Department's own report.

In April the Istanbul Chamber of Doctors certified that 2-and-a-half year old Azat Tokmak showed physical and psychological signs of torture after detention at an Istanbul branch of the anti-terror police. Azat's mother Fatma Tokmak was detained in December 1996 on suspicion of PKK membership. The child was burned with cigarettes and kicked in an effort to make the mother confess.'

And, perhaps, Mr. Chairman, it's because at the time that this event allegedly took place my own daughter was almost exactly 2-and-a-half years old, or, perhaps, it's simply because everyone would be affected the same way by this story, but it does strike me that we need to be reminded of the individual cases. I congratulate the Department for being unstinting and unblinking in presenting this evidence to the Congress.

There is little disagreement outside of the Turkish Government itself that Turkey continues to suffer from grave and widespread human rights violations. Torture is common, severe and sophisticated. There are frequent and credible allegations of sexual assault of both men and women in custody. Extrajudicial executions continue, non-violent speech is subject to criminal penalties, peaceful protests are brutally dispersed, and journalists and parliamentarians continue to be harassed and imprisoned.

Turkey is a country where there is an active press, and in which civic organizations, like the Bar Association, do function, although within limits and at considerable risk. As Assistant Secretary Koh noted, last year Amnesty International and the Istanbul Bar Association jointly sponsored a human rights conference which was attended by the State Minister for Human Rights. We believe this was a useful and positive development.

The fact remains, however, that human rights activists and investigators in Turkey carry out their work at considerable risk. I note that a number of the other panelists will be addressing this issue in detail, and so I will let my written testimony stand for the record on this point.

Turning to the situation with the trial of Abdullah Öcalan, even when he was in Italy, Amnesty had made clear its position that he should be brought to trial before a neutral independent panel that meets international standards of fairness to determine his guilt or innocence in the very severe human rights violations which have been committed by the PKK.

Prime Minister Ecevit has pledged that he will receive a fair trial, but, unfortunately, there have already been very serious problems. Amnesty is particularly concerned about what appears to knowledgeable observers in Turkey to be a concerted campaign to intimidate defense lawyers for Mr. Öcalan and reports leaked to pro-government newspapers about alleged links between the Human Rights Association and the PKK.

In the inflamed atmosphere in Turkey, this is a formula for violence against lawyers and human rights defenders. It is imperative that the Turkish Government immediately take every reasonable step in its power to provide for the physical protection of members of the Human Rights Association and attorneys, so that we do not have an incident in Turkey similar to the Rosemary Nelson killing which recently happened in Northern Ireland.

As the Department of State's annual report notes: "The Government has long denied the Kurdish population ... basic political, cultural, and linguistic rights" In its operations in southeastern Turkey, the government has committed serious and persistent human rights violations, including the forced displacement of non-combatants. Estimates of the number of persons displaced range from around 500,000 upwards to 2 million. The humanitarian and human rights situation in the Southeast remains extremely serious and the government continues to harass human rights defenders and humanitarian workers in that region.

As you've noted, Mr. Chairman, an extraordinary event that continues to happen weekly in Turkey is the violent response of the Turkish police to the peaceful protests of the Saturday Mothers, individuals who regularly gather on Saturdays in Istanbul to hold a vigil for loved ones who have disappeared.

While I do not know what the specific venue is that has been chosen for the OSCE summit, as others have noted, it is entirely possible that baton-wielding riot police could be attacking the Saturday Mothers only blocks away from the summit meetings.

The responsibility for preventing and correcting these human rights violations in Turkey lies squarely with the Turkish Government itself, and with the armed groups there who continue to commit gross human rights violations.

But, the United States does have a very great responsibility here. Why?

As the Administration reported to the Appropriations Committees in 1997, the vast majority of Turkish military equipment comes from the United States and that equipment "has likely been used in operations against the PKK during which human rights violations have occurred." Having provided huge quantities of arms to Turkish forces, we must not be indifferent to how those arms are used. The upcoming potential \$3.5 billion helicopter sale should be considered in this regard.

Amnesty International, as you have noted, Mr. Chairman, has raised concerns about the export of electric shock equipment from the United States, but nowhere are those concerns greater than in the case of Turkey. I want to emphasize for the record that we do not have evidence that U.S. manufactured equipment has been used in torture cases in Turkey. I'm not alleging that. But what we do have here, unfortunately, is that dangerous triangle of motive and opportunity, combined with availability. There is widespread electric shock torture in Turkey. There is no requirement that a U.S. manufacturer obtain an export license to send electric shock equipment to Turkey, and we know that U.S. electric shock manufacturers are aggressively seeking export markets, have exported electric shock equipment to countries in the past that have records of electric shock equipment, and that at least one company specifically is seeking to market its equipment in Turkey.

Recently, a U.S. subsidiary of General Dynamics Corporation also reached an agreement to sell armored personnel carriers and riot control vehicles with water cannons to the Turkish National Police. Specifically, these vehicles are for use by the so-called 'anti-terror' and 'anti-riot' police. Amnesty International is deeply concerned about this sale.

There is something Orwellian about calling units that torture and beat children and sexually assault their victims "anti-terror police." The report which we've submitted for the record contains cases illustrating torture of children, sexual assault of prisoners, electric shock torture, the deaths of prisoners and suspects, and the torture and abuse of peaceable activists: all by these specific units.

On a much more positive note, however, Amnesty strongly applauds the Administration and Secretary of State Albright for declining to permit U.S. taxpayer funds to be used to subsidize this sale in 11 provinces in Turkey because of the human rights record of the Turk-

ish police. This is an important step which communicated in a very tangible way that the Congress and the Clinton Administration are united and will not look the other way or duck tough challenges when it comes to the human rights conduct of Turkish forces.

Likewise, this year's Country Report has garnered strong and deserved praise for its unblinking assessment of the human rights situation. I know that there have been some criticisms of the report, but our assessment is that overall and on balance Secretary of State Albright and your fellow panelist, Assistant Secretary Koh, who have pledged to call them as they see them, have delivered on that commitment when it comes to Turkey.

Thus, in the last 4 months, the Clinton Administration has provided ample evidence that it will not fudge the human rights record in Turkey, and that the human rights situation Turkey will have a very direct bearing on U.S. decisions on the supply of arms to Turkey. This sends a hopeful and important message. In particular, the Administration's demand that there be actual human rights progress in Turkey and not merely pledges of progress is critical.

I look forward to answering your questions, and hearing the testimony of your other distinguished witnesses.

Mr. SMITH. Thank you, Mr. Rickard, appreciate your testimony, and, Mr. Johnson, if you could proceed.

**STATEMENT OF DOUGLAS A. JOHNSON,
EXECUTIVE DIRECTOR, THE CENTER FOR
VICTIMS OF TORTURE**

Mr. JOHNSON. Thank you, Congressman Smith and Mr. Secretary. I'd also like to abbreviate my current testimony and include it in the record.

Mr. SMITH. Without objection, all of the prepared text will be made part of the record.

Mr. JOHNSON. I'd also note that I am on the OSCE Advisory Panel on the Prevention of Torture, and I'm interested in some of the broader issues that you raised that I did not address in my written testimony. I hope that we can come back to some of those.

In January 1995, at the invitation of USAID, two physicians and I traveled from the Center for Victims of Torture in Minneapolis to Turkey. This began a series of projects that we undertook to support our colleagues at the Human Rights Foundation of Turkey and the Turkish Medical Foundation. The Human Rights Foundation of Turkey maintains programs to treat victims of torture in Ankara, Istanbul, Izmir, Adana and, beginning in June 1998, in Diyarbakir.

Our colleagues at the Foundation monitor the practice of torture in Turkey very closely. They just sent me their preliminary review of the human rights situation in Turkey that covered the first half of the year. They reported that in the first half of 1998 they had a total of 350 applicants for treatment at their centers, compared to 537 in all of 1997. They also caution that this figure would be expected to rise if awareness of their program and the available means of accessibility were increased. The Foundation has documented 37 different forms of torture being practiced in Turkey.

As you noted earlier, their report makes the following conclusion:

"...Torture in Turkey is not a problem limited to the period of detention. Torture is systematically applied in Turkey as an administrative practice. Whoever is deprived of his or her freedom is under permanent threat of torture from the very minute of detention. The inhabitants of certain locations in the State of Emergency Region encounter the same threat in their daily lives... The systematic character of torture in Turkey is not a result of fault or deficiency, but results from the fact that it is considered as an efficient practice of governance."

Information about the types of torture that are being used in Turkey and their prevalence is confirmed by other treatment centers, especially those in Europe. I refer in particular to a study that was just released by the Medical Foundation for the Care of Victims of Torture in London. They studied 78 torture victims who had recently applied there. All but two of them, by the way, were Kurdish.

One of the interesting findings was that of these 78 torture victims, only 15 were charged with any kind of offense, and of these only three were convicted. These numbers indicate a pattern of torture being used as extralegal punishment and to instill fear.

We've already noted the promises that Prime Minister Mestü Yılmaz made to President Clinton in the fall of 1997 and to the OSCE. One of these was to institute the Human Rights Ministry, the very position that he had disbanded in his previous time as Prime Minister. On the whole, however, I think they were all valuable efforts. We know that torture, nonetheless, persists.

It's hard to monitor the exact statistics about the prevalence of torture, because of its secretive nature, the shame and fear of its victims, and the despair of ever bringing torturers to justice. As a result, we don't know enough to indicate whether the reforms are making much of a difference, if any at all. We can, however, monitor the government's persecution of human rights defenders. On this issue, the Turkish Government's record is most discouraging. How can Turkey make progress ending torture and human rights violations if it continues to shoot the messenger, targeting the very individuals and organizations that document abuses and heal its victims?

This issue will be the primary focus of my testimony, but in the interest of time I would just like to review some examples of this.

Again, because of our particular relationship with the Human Rights Foundation of Turkey, I've attended over the past 4 years four separate trials or cases targeting the Human Rights Foundation of Turkey and its leadership. Three of these trials ended in an acquittal or a dismissal of the charges, but they took a tremendous toll on the organization, in anxiety and fear of the persecution, in staff time, in legal expenses, and so forth. Clearly, their intent was to muzzle the most effective monitoring organization about torture in the country.

One particularly noteworthy case where a conviction was obtained was a suit against Doctor Tufan Kose, the Medical Director of the Adana treatment center. He essentially was accused and convicted of not reporting a crime, the crime of torture, because he refused to turn over the medical records of his clients to the police, who had tortured them in the first place.

Another example of the kind of persecution that the government maintains in order to continue tension in the Foundation was the opening of the Diyarbakir Center in June 1998. After obtaining all of

the permits required by the national government, I and many other international observers went to the opening of the Diyarbakir Center. Four days later, the Turkish Government closed it. There was a quick international reaction, after which the government decided that there was a missing permit. Eventually the center was allowed to be reopened, but this was after the warning had been delivered to the Foundation, to the local medical chamber, and, of course, to the torture victims who were already fearful about being identified.

For many years, physicians who refused to document torture or who participated in its practice have plagued the Turkish medical community. The Turkish Medical Association made a concerted effort to change this practice by implementing a series of programs on forensic medicine and medical ethics. Through the grant from USAID, we were able to support these projects and participate in the training programs.

The police are required by law to bring prisoners to a physician for a medical review. This is supposed to be a forensic function to prevent torture, but it's filled by general practitioners. I think in the entire country of Turkey there are only 120 trained forensic specialists. These general practitioners have little training in forensic medicine and often very little support. At the workshops, over 75 percent of those attending noted that they felt pressured by the police, who often insisted on staying in the room during the examination.

The role of the international experts in these trainings involved transferring technical expertise on identifying signs of torture, but it also involved underscoring a very important message: "If you see these kinds of injuries and do not report them as torture, you are committing malpractice." The Medical Association ably picked up this theme throughout its publications and training programs. We believed that we were really making an impact within the forensic profession.

However, the response of the Turkish Government to these efforts is of great concern to us. One example involves the leadership of the Forensic Medicine Institute, which is a government institution. It's a very complicated case, which I will summarize quickly in the testimony. It centers around one case of torture in 1993, which the Forensic Medical Council eventually agreed was a case of death under torture by the police, by a vote of, I think it was, 30 to 1. Then Prime Minister Yilmaz chose that one dissenting member to become the new head of the Forensic Medical Institute, while other key, human rights-oriented faculty of the Institute were purged as a result of the hearing. This was hardly a signal of the government's commitment to the disclosure of torture in Turkey.

Other key cases have involved practitioners Doctor Eda Guven, a general practitioner in a small town in the Aydin district, documented the use of torture in December 1997, and refused to change her testimony as police demanded. She was brought before the court for "insulting the police." Again, with international pressure and concern, she was found not guilty, but the threatening environment continues.

We are now very concerned about a case going on in the Ankara State Security Court, involving Doctor Cumhur Akpinar, who has been, I've been told, the head of the Ankara Forensic Medical Institute. Doctor Akpinar participated in the various training programs that we undertook with support from AID. He has documented numerous cases of torture by the police and security forces. Doctor Akpinar also served on the Executive Committee of the Ankara Medi-

cal Chamber and on its Human Rights Committee. He is very highly regarded by his colleagues and noted for being both dedicated and honest.

On January 9, 1999, he was arrested by the Anti-Terrorism Branch and put in jail. He is being charged with making favorable forensic reports that aid members of what is called an illegal organization. We are very concerned that this is again primarily a political attack on the medical profession and a warning to forensic doctors who have taken the most active measures to document the existence of torture.

I also note with thanks the letter from the Chairman and other members of this Commission to the Turkish Government about this case.

The Turkish Medical Association is very concerned about this case, having actively promoted the professional responsibilities of physicians. They are alarmed that this case has now been escalated into the Security Court, and they consider that the Akpinar case is a warning to physicians everywhere in Turkey to be compliant with police and security forces and avoid reporting cases of torture.

For decades, the U.S. has emphasized its security ties with the Turkish military. Many in Turkish civil society believe that the U.S. supported earlier coups against civilian governments, similar to our troubled relationships with Chile and Central America. As America has decided that it is in the best interest of our relationships to the growing civil society and democratic forces in these regions to reveal the truth about our previous actions, I believe we must also reexamine our fundamental relationships with Turkey.

The Turkish civil society has grown enormously and become increasingly sophisticated. We must find ways of emphasizing our support of and relationships with these organizations, including protecting them as much as possible from repressive forces. The first basis of this relationship must be built on telling the truth about the past, and making more transparent to Turkish organizations and leaders what America conceives to be its interests and reasons for supporting civil society.

I must say that the efforts of then Ambassador Marc Grossman and his staff to reach out to the human rights movement, to monitor its trials, and to seek to be visible in its support did allay many of these fears, but not all of them. I would hope the Commission would monitor how American policy continues to focus on building support for the human rights effort in Turkey, and I urge the Commissioners and President Clinton to use the OSCE presence in Istanbul this fall to make that support even more visible and emphatic.

Thank you.

Mr. SMITH. Mr. Johnson, thank you very much for your testimony. Mr. Hicks?

TESTIMONY OF NEIL HICKS, SENIOR PROGRAM COORDINATOR, LAWYERS COMMITTEE FOR HUMAN RIGHTS

Mr. HICKS. Chairman Smith, thank you very much for inviting the Lawyers Committee to testify today. We appreciate the opportunity to be a part of this hearing, and to share with you our perspective on the issues.

Mr. SMITH. Could you bring the microphone a little closer, please? Thank you.

Mr. HICKS. I will summarize my longer testimony. First of all, I would say that hearings such as this are a vital way to demonstrate active encouragement by U.S. policymakers, and active attention by U.S. policymakers to human rights issues in Turkey, and this is a key message to send.

The Lawyers Committee has been engaged in a program of human rights promotion in Turkey, actively since January 1996, and during that period we have visited the country on at least nine occasions, most recently a few days ago. We have developed close working relationships with local human rights organizations and with lawyers and Bar Associations. We've carried out large numbers of interviews with individuals involved in human rights promotion in Turkey. We've observed proceedings in trials and issued reports and statements about human rights issues.

We are enthused by the dynamism and courage of Turkish human rights advocates, and by the richness of the public debate about human rights issues in Turkey. We are however perplexed by the lack of progress in implementing substantial human rights reform, pledged on a number of occasions by successive governments. We are especially concerned that over the last 6 months we have seen a steady worsening in human rights conditions in Turkey, which has only intensified in the weeks since the detention of Kurdish guerilla leader Abdullah Ocalan. These hearings are taking place at a difficult time for human rights in Turkey, and indeed a time of great political uncertainty. It is our firm belief that building respect for human rights and the rule of law is an essentially prerequisite for Turkey to emerge as a strong and stable democracy so many of its people crave it to be.

As we have heard, when Prime Minister Yilmaz traveled to the United States in December 1997, he promised American leaders that 1998 would be a year of human rights in Turkey. Almost without exception, these promises remain unfulfilled. While we recognize that the Prime Minister was speaking only as the leader of a minority coalition government, it must be noted that successive Turkish Governments have failed in their promises to implement far-reaching reforms in human rights conditions in Turkey.

Torture, unfair trial, restrictions on non-violent freedom of expression remain widespread, as, again, we have heard today.

Instead of seeing progress in 1998, in the latter part of that year and in the first months of 1999 human rights conditions are deteriorating. The most compelling evidence of official ambivalence to reform and the death knell for Prime Minister Yilmaz's promised progress in the field of administration of justice came in October 1998 with the issuing of Regulations on Apprehension, Police Custody and Interrogation. These regulations are a major setback for human rights in Turkey, removing safeguards designed to protect pre-trial detainees from torture which had been included in a February 1998 circular issued by the then Prime Minister. The regulations reinforced abusive pre-trial procedures which proposed reforms in the Penal Procedure Code placed before the Parliament by the Yilmaz government, but never enacted into law, had been designed to remove.

The October regulations specifically removed powers conferred on prosecutors in the February circular, to visit detention centers at any time, without giving prior notice to the police. The regulations clarified the fact that detained suspects in state security prosecutions can

be denied the right of access to counsel until after the detainee's appearance before a judge, which may take between 4 to 7 days. This is a clear violation of international fair trial standards and means that in practice many state security suspects are coerced into making incriminating statements which become the major evidence against them, without benefiting from advice of counsel.

Judicial independence, which is a core principle of Turkish law, is threatened in practice. Most glaringly, the presence of a serving military officer as a member of the judicial panel in State Security Courts conflicts with the right to trial before an impartial, independent tribunal required in international law. Many prosecutions in such courts appear politically motivated. Human rights advocates, such as Akin Birdal, Chairman of the Human Rights Association, have been brought to trial before State Security Courts as a result of statements or publications criticizing the government's human rights practices.

There can be no doubt that State Security Courts, whatever some of their proponents may claim for their efficacy in the fight against terrorism and drug-trafficking, serve a primarily political purpose, which is inimical to the rule of law. State Security Courts are simply too open to abuse by those in Turkish society who would ensure their continued hold on power by resorting to authoritarian repressive measures. It is regrettable that objectionable aspects of the SSC procedures especially as regards the role of the prosecutor, pre-arraignment detention periods and the right of access to counsel were re-enforced in these October 1998 regulations.

Turkey has a well-developed system of criminal law staffed by able lawyers, judges and prosecutors. Given the damage to the rule of law inflicted by the existence of these exceptional courts, it is difficult to believe that the cause of justice would not be better served by their abolition.

There are also undue executive influence over the appointment of civilian judges, because of the dominant role played by the Minister of Justice and members of the Executive in the Supreme Council of Judges and Prosecutors, which oversees judicial appointments.

There are also problems relating to the prosecution of police officers accused of gross violations of human rights such as those being referred to by other witnesses and they are in our testimony, but I won't dwell on it, and also the problems faced by human rights advocates who, themselves, are persecuted have been mentioned. I would just say in that regard, public attitudes toward human rights are influenced by the way in which human rights advocates and defense lawyers for unpopular political defendants are treated by the authorities.

As long as human rights advocates are prosecuted for their non-violent human rights activities, the message is clear: human rights activists are subversives, and the ideals of human rights are undesirable. The atmosphere is further poisoned by many incidents in which lawyers have been identified with their politically unpopular clients and subjected to physical attack, arrest and wrongful prosecution for carrying out their professional duties.

I have a few comments relating to U.S. policy. There is a deep-seated resistance to human rights reform in powerful areas of the Turkish state power structures. The U.S. Government must continue to insist that Turkish authorities strive to make progress to which

they are committed in the human rights field. And, such progress must properly be seen as a precondition to further developments in a positive relationship between the United States and Turkish Governments. The Turkish Government, as a whole, is not committed to human rights reform, despite honorable efforts in this regard by several government leaders.

The Lawyers Committee welcomes the emphasis that was given by Assistant Secretary Shattuck and other administration officials in recent years to encouraging the Turkish Government to repeal laws that criminalize non-violent speech. We strongly urge the U.S. Government to continue to press for specific reforms in Turkish human rights practice. In doing this, the U.S. Government is not exerting illegitimate outside influence on Turkish domestic affairs, rather the U.S. Government will be supporting policies that are most likely to contribute to political stability and to a peaceful resolution of Turkey's internal political problems.

The alternative to reform is return to repression, and such a policy will only fuel continuing violent conflict over the Kurdish question, and if directed against non-violent Islamist political movements could provoke a violent reaction from religious extremists. These are both gloomy scenarios, which the U.S. Government must do all in its power to persuade its allies to avoid.

Our written testimony includes specific recommendations for reform in the three areas touched on in the testimony. In many instances, these reflect commitments already made by the Turkish Government. Sustained engagement by U.S. Government officials on specific areas of human rights reform can make a difference. The U.S. should not fail to take advantage of this opportunity to encourage Turkey to steer a more positive human rights course.

The U.S. Government should not shy from candid forthright criticism, but I would endorse the remarks made by Secretary Grossman this morning, that there's a need also for continuing positive engagement if that message is to be effectively communicated.

Thank you very much.

Mr. SMITH. Thank you all very much for your testimony, and for your very specific recommendations. Although you did not go into detail, having read the full testimonies, you have given us some very good information on which to act. The ideas have been very well thought out.

I would just note that this is the first in a series of hearings on Turkey. This will not be the last. I think it's very important that the Commission, in a way as visible and as comprehensive as possible, continue to monitor all of the human rights violations. We hope for their mitigation, but we've got to be honest as to what is happening on the ground, leading up to the summit and then after the summit. As all of you have pointed out, the importance of protecting the defenders of human rights is paramount, and it would be a tragedy of utmost dimensions if people had a false hope, if it turned out to be a false hope, to come forward and to speak out, only to have retaliation brought upon them by the government and by police elements.

Let me ask you all, please indicate to the Commission how seriously you consider the threat to NGOs including the Human Rights Foundation and the physicians who come forward during, before and certainly after the summit? Do you believe that the government is

going to clamp down? We've seen examples in other repressive regimes. Mr. Rickard, your organization has documented that even when events as benign as the Asian Games are held, very often there's an attempt made by the dictatorship in Beijing to round up and silence those who may speak out. Maybe there's a public execution that occurs, just to remind people who is in charge.

I'm deeply concerned, especially as you, Mr. Johnson, spoke of what's being done, as we speak, against the physicians who report on torture and then are accused of insulting the police for reporting on torture that's been committed by police. Could you also tell us what the penalty might be for someone who provides favorable forensic reports, which is something you mentioned with regards to Doctor Akpinar? Regarding this concern about protection for the human rights defenders, what you think we should be doing? The minimum will be ongoing hearings. This is not the first, there will be a series of hearings directly related to Turkey.

Mr. RICKARD. Maybe I'll start with a brief comment and then turn it over to my expert colleagues.

On the point that this is the first of a series of hearings, I just might make respectfully one suggestion, which is that it might be very useful for the Commission to hear from one or more panel members who have particular expertise in the issue of the Kurdish problem.

Certainly, I'm not an expert in that area, and, while my colleagues are very expert, I think there are people who have a very particular expertise in that critical human rights dimension of the problem in Turkey that the Commission might want to hear from.

On the specific question of how concerned we are about the danger for human rights advocates, as you well know last year the President of the Human Rights Association, Akin Birdal, barely survived an assassination attempt. We are very concerned about these recent leaks coming out of the Ocalan process, which ostensibly link the PKK and Human Rights Association members. As I noted in my testimony, there are knowledgeable observers who see this as a very methodical campaign to tarnish those institutions, organizations and individuals. I think Neil put it very well, that in this inflamed environment, in which people create an atmosphere in which campaigning for human rights is seen as synonymous with supporting terror in some way, this is life-threatening conduct. But my colleagues will probably have more detail.

Mr. JOHNSON. I agree that there is a need to have more focus on the Kurdish issue, because that's one of the major issues that's fueling the violence. The sense of self-righteousness by Turkish authorities about the use of violence as a form of governance needs to be addressed.

Turkey is a contradictory place. I think, as Marc Grossman noted, that there was a great deal of energy that was derived from the Habitat conference in Istanbul, which turned out to be extremely beneficial to the NGO community. Even though there was some resistance, and an idea among the Turkish NGO community that it shouldn't occur here because of Turkey's human rights situation, they found, nevertheless, that it created a forum that brought groups together, fostered a lot of new organizations and so forth.

But, at the very same time, the demonstration of the Mothers was ferociously attacked, while the Habitat was occurring only a few miles away. It would seem to be the height of stupidity to do this while an international conference would allow a focus on this kind of action, and yet it was carried out and has been continued, more or less, in that pattern since then. I always considered myself more of a Latin American specialist, and I can say that never during the time of the height of the Argentine military did they ever react with the level of viciousness and violence against the Mothers of the Blessed de Mayo with which this democratic government reacted to this demonstration. So, that has to be an ongoing concern.

The very fact of an international meeting there does not guarantee, by any means, that there will be a period of safety. But we do know that these levels of violence are often arbitrary and surprising, and that, of course, is part of what maintains the degree of tension around them, and why it is very important to monitor them.

Mr. HICKS. I would

Mr. JOHNSON. Well, I wanted to just say something about what we could be doing about it. As I said, I have attended trials, and I know Neil has attended trials. It's useful to see that the U.S. Embassy is represented there. I continue to think that the Ambassador should be at those hearings. I know that Ambassadors are very busy, that they have a lot of things to do, but all the better the message to the Turkish Government that other business that they have with America can't go forward because the Ambassador has to spend his time monitoring a trial which shouldn't occur in the first place. The higher the level of attendance that American officials can give, the more members of Congress can bring attention to this, the better it will be.

Certainly, if President Clinton and other key people are in Turkey, they ought to do some very special things to reach out to the human rights community, such as have a special reception for the human rights community. This would make clear that we are honoring them and the kind of work they do, and that our Chief Executive will spend time focused on these issues and hearing from them. This would have a great impact within Turkish society.

If Akin Birdal indeed goes to prison, as it seems he will, to have President Clinton insist on the right to visit him in prison would be a very highly symbolic act, which I think the Turkish Government would not be able to deny. It which would help underscore in a very real and human way the importance we place in human rights defenders and the issues that they are raising.

Mr. HICKS. With respect to the security of human rights defenders, I agree with Mr. Rickard, the greatest and most acute current threat comes from these leaks from the Ocalan interrogation, which identify particular individuals who are then, as we saw in the case of Akin Birdal last year, acutely vulnerable to attack.

But, more generally, I think there needs to be a change in the rhetoric of Turkish Government leaders. To the extent that there are Turkish Government leaders who are willing to make commitments in the human rights field, and speak positively about human rights, as we saw particularly from the Hikmet Sami Turk last year, then those leaders also need to stand up and counter statements which criticize and repetitively attack human rights organizations. Such leaders should criticize actions taken against the activities of human rights

organizations, and show that the government is not supportive of the things which happen, the closures, the detentions, the intimidation that is part of every-day life of Turkish human rights NGOs.

I don't think the summit itself will provide a particular occasion for pressure on activists which is any greater than is the general way of things. I tend to think that it will have a positive impact, it will encourage the Turkish NGOs to have an international forum and to have the opportunity to speak about their concerns to an international audience. And, I'm sure they will be more than willing to come forward and do that.

But, what I think we can do to make a difference in the life of the NGOs is to encourage some of the Turkish leaders to get behind the statements they are making privately in a public way in Turkey.

Mr. SMITH. Mr. Hicks, you pointed out in your testimony that the Regulations on Apprehension, Police Custody and Interrogation were, obviously, in your view a step backwards. Could you amplify for the Commission exactly what they entail? Second, could you describe, and the other panelists might want to touch on this as well, what the typical scenario is for somebody once they are apprehended by the police.

You pointed out, much of the evidence used against them is evidence derived through coercion, through torture? Is there a common thread of arrest and beatings? What does that process look like, so we have a better understanding exactly what we are talking about?

Mr. HICKS. Well, I think they arose because throughout much of 1998 at least, and probably for some time since the change in Penal Procedure laws which came in 1997, there was some ambiguity about the way in which detainees should be treated in the pre-trial phase, and the rights that the pre-trial detainee has in a state security case.

And so, the regulations set out very specifically what those rights are, but it did so in a very negative way, and it reinforced the fact, for example, that right of access to counsel in State Security Court cases is denied until there has been an initial hearing before a judge, which takes place after 4 or 7 days.

Now, during this four or 7 day period, that is when the detainee is interrogated, sometimes by the prosecutor, very often by a policeman, and very often a statement is made which is then the major evidence against that person. So, the person is making an incriminatory statement without advice of counsel, and very often in a coercive environment with use of torture and other coercive techniques.

So that, of course, detracts from the fair trial element.

The other thing which the regulations set out was that they negate positive things which prosecutors had been instructed to do by Prime Yilmaz in February. Prosecutors had been encouraged to fulfill their obligations which exist in the law to supervise pre-trial detention, to pay attention to the detention centers to make sure the welfare of detainees is being attended to. And, it gave them powers to go unannounced to inspect detention facilities.

This was very clearly taken away from them in these new procedures. Increased prosecutorial vigilance was something which was not welcomed by the security establishment, and they wrote into regulations now that, indeed, prosecutors shouldn't do that, let the military and the police have the prior power to oversee these matters.

Mr. SMITH. But, Mr. Johnson had mentioned some 37 forms of torture, is it sleep deprivation coupled with electric shocks? What's the normal method? Is it beatings?

Mr. Johnson. Beating is the most common form of torture. It's so common in Turkey, in fact, that when the Physicians for Human Rights did their survey of the forensic doctors, something like 70 percent of the doctors did not consider beating to be a form of torture, although it is widely recognized by international standards to be just that.

There are different situations, and some regional variation in Turkey regarding uses of torture. For example, the T3falaka, the beating of the soles of the feet, has been common in many parts of Turkey. But it's disappeared in places like Ismir, because the Human Rights Foundation has developed very sophisticated ways of documenting and proving when falaka occurs. Some people make the argument, in fact, that the use of electric shock as a form of torture spreads in communities where the police are forced to hide the evidence that they torture. They argue that the use of electric torture seems to be expanding in Turkey as a result.

Other common forms of torture are Palestinian hanging and other forms of hanging that leave long-term damage to nerves in arms and other limbs. But, certainly, sleep deprivation, sensory deprivation of various sorts, and water tortures are also used. There are some regional variations, but certain things like beating are common, and you can almost count on it if you are arrested.

Mr. RICKARD. If I could just say a couple things. One, I am very interested to hear what they have said about the increase of electric shock torture in response to some steps that have been taken. Amnesty has also begun to receive very tentative reports of a trend toward the increasing torture of individuals before they are brought to police stations, or in places outside police stations.

One of the striking things about torture in Turkey is that it is so systematic and so common that it takes place right in the police stations and in the main headquarter buildings. There is not much ambiguity about that, but, perhaps, in response to some international attention and initiatives we have been getting more reports of people tortured at houses, out in fields, or before they are taken in and arraigned.

One technique that comes up a lot in the report that we submitted for the record on the anti-terror police, which I referred to, is the technique of suspending people by their arms, so that they are immobile while other forms of torture are administered to them. I have to confess with some shame that I had read these reports and was involved in editing that little report, and never really focused on or was struck by the horror of that particular technique until I actually saw an artist's drawing of what this looks like. It involves taking a beam across the back of the arms, and then lashing the arms around, and around and around, and then hauling the person up by ropes suspended to the ceiling at either end of the beam and tying them off on the other side. The result is that the person is suspended there and completely helpless while these other forms of torture are administered.

Just a final point on Neil's comments, and that is, I think this issue of regulations, and the requirements of access and whether or not people can be held incommunicado, is so extraordinarily important. There is a tendency, I think, to say, well, this situation is so polarized, or the hatred is so deep, or the hostility toward the PKK is so mammoth, that this stuff is just going to happen. Nevertheless, while reconciliation is obviously the most important and ultimate goal, there is also what you can almost call a science, to this that transcends culture in time and place. If you permit incommunicado detention, if you permit 48 hours before the lawyer gets access, 4 days before the lawyer gets access, torture is going to go up, despite what the hostility is. Even in the most polarized and difficult situation, you can address the problem of torture technically by making these reforms, and that is why I think the recommendations that Neil has made are so important.

Mr. SMITH. Let me say that one thing I plan on doing as Commission Chairman and I am sure I will be joined enthusiastically by my fellow Commissioners is, especially with the summit coming up, that the word Turkey will not be said without the word torture being in the same sentence until torture is ended. I have read Amnesty's reports on torture, I will never forget the one I read on torture in Africa. Until I read the horrific details, I too almost glossed right over it and said, oh, yeah, torture. Then, when you realize that individuals being held, obviously, against their will, in a very humiliating way, experience these terrible things, and not knowing how long it will last, and, perhaps, Mr. Johnson, you could speak to this, the post-traumatic stress that results from that.

A little girl such as the one Mr. Rickard described out to us, a 10-year-old who goes through that kind of torture, has to carry a scar, especially at that tender age, that goes on for the rest of her life. How does one overcome that?

Mr. JOHNSON. Well, I was thinking, when Steve was talking, that I believe 20 percent of our clients over the years were tortured when they were children, and usually it was to use them as a weapon against their parents, similar to the case of the 2-year-old child. The parents report that this was the most difficult, by far the most difficult, thing that they ever experienced, far more painful to them than the physical pain or the electric shocks applied to their own bodies.

We know several important things about the application of torture and human rights atrocities. We know that it produces a set of symptoms, sometimes called post-traumatic stress disorder that immobilizes people. Second, these are symptoms that last a lifetime. It is not something you simply get over.

There used to be a notion, even during World War I and so forth, about people suffering 'shell shock.' The assumption was that eventually they would get over it. We know now that this is not true. In fact, it is one of the important learning experiences from the Holocaust that survivors of the Nazi concentration camps, now 53 or 54 years later, still have very high rates of depression, and much higher rates of suicide, even now, than the population at large. They simply do not get over it. They may function on rather interestingly high levels, but still suffer nightmares, panic disorders, and a sense of despair about evil from which they do not recover.

We also know that the children and even the grandchildren of Holocaust survivors have higher rates of clinical depression and suicide than the population at large. One thing that we are very interested in at the treatment centers is how atrocity affects multiple generations. This is why, in fact, torture is such an effective way of actually transforming cultures to create cultures where people are fearful and uninvolved.

A number of years ago, I met with an official in Turkey who was involved in the Human Rights Ministry, before it was disbanded. We were discussing the theories of Bob Putnam about how the more civil society organizations there are, the more honest, efficient, effective, and democratic are the governments. This man suddenly had a light go off in his eyes, and he said: "You know, we are a country of 60 million people, and in the entire country only one million are involved in any kind of civic organization, and that includes the Administration of Mosques. Do you know why? It is fear. Over generations, Turks have learned to be fearful of public life, and so we've retired to our families, we have retired to our businesses. We stay out of the public field."

We have to start looking at torture, not as an individual atrocity aimed at one person, but as a tool of governance, as a way of influencing society over generations, creating societies where people have learned to be apathetic and to be uninvolved. That is what we have to learn to help overcome, in order, I think, really to address the question of how we build democratic cultures in the long term.

The treatment centers are important initially for helping to recover the leadership stolen in the present. They are also becoming intellectual resources for trying to understand the long-term effects of repression on our ability to form democratic cultures.

Mr. SMITH. Thank you. I am going to yield momentarily to Secretary Koh. Let me mention that it was the insights that you had provided me and my staff on the Subcommittee on International Operations and Human Rights that led to the Torture Victims Relief Act. You pointed out that it is a lifelong ordeal. Because of that, I do hope the Administration will fully fund the U.N. Torture Victims Fund this year, so I do thank you for that insight.

Sec. KOH. Well, this is a big day for me because I get to testify and ask a question. I should just point out that despite the cover sheet to the Lawyers Committee testimony I am no longer on the National Council of the Lawyers Committee, I have since resigned, because that would give me three hats here, not just two.

I've had plenty of time on the clock, and I have also had the chance to talk to representatives of each of your groups about Turkey in the last few days, so my only question really is with regard to the summit and the NGO plans for the summit. What are some ways that the NGOs can use the opportunity? Are there things that ought to be simplified in terms of making the most of this to bring public attention to bear on some issues that you have raised today?

Mr. HICKS. I think the first thing that should be done, and the summit is a good occasion to focus that effort, we have talked about the closed offices which several Turkish NGOs suffer from, particularly in the southeast region, there needs to be, I think, a concerted effort by the Turkish authorities to open those offices, so that the National organizations have national representation, including in the south-

east, where currently the Diyarbakir Human Rights Association office is closed, the Urfa Mazlum Der office is closed. These offices need to be reopened as a reflection of the fact that the Turkish Government appreciates and recognizes the validity of the work of independent human rights organizations.

So, I think we should use this period leading up to the summit to emphasize to the Turkish Government that the way they show that they really welcome Turkish NGO participation in the summit process and the pre-summit meetings is by giving the full rights to the NGOs throughout the country.

Mr. <Csmall>Johnson.<P> The political scientists talk about Turkey having a strong state and a weak government, and that the governments make promises but do not affect the state. Certainly, I think any strategy ultimately dealing with this issue has to address the strength of the government. So, for example, the ongoing role of the OSCE parliamentarians is very important in working with members of Parliament from Turkey so that they re-conceive their role, that they have hearings, that they do investigations, and they press forward. Perhaps, one thing that could be done here is to encourage some kind of positive role at the Summit meeting for the Parliamentary Human Rights Commission of Turkey.

I've attended the last two Implementation Meetings. They are very stimulating environments, especially, of course, in the aisles outside, and the opportunity to talk there. I think some effort should be made to try to meet with the human rights community and the other NGOs in Turkey, in advance, to inform them, not only of the opportunities that would be there, but to teach them some rules so that they are fully prepared and thinking about how to use the Implementation Meeting to the fullest extent possible.

I am concerned that the rules do not allow for anything other than this but that a number of human rights groups come in banging drums that in the Turkish society are always frowned upon and are not given a very good hearing. They need to be heard, but it is also important that the Implementation Meeting not be dominated by that kind of historical perspective, but rather that there is a real attempt to focus on the current human rights problems, and the current religious persecution problems, as they exist in Turkey. I think the local human rights community could be very helpful in that regard, but they also have to be prepared to deal with it.

I also think it is very important to try to identify the nonviolent Kurdish community and to promote active discussion their needs, their rights, and the problems and conflicts within Turkey. I was thinking about the closing of HADEP, for example, which is a nonviolent political alternative to the PKK. The HADEP officials are being roundly persecuted with violence and with the threatened closure of the party. There should be some attempt to identify nonviolent representatives of the Kurdish community who could use this as an opportunity to speak forcefully about the issues.

I think the other thing that has been very useful at the last two Implementation Meetings have been the special seminars or special discussion groups, which have gone on not on the outside of the building, but not within the main unit either where delegates were able to focus on particular issues. If the OSCE could be pressed, and I do not think it would take very much pressing, to have special discussions

about the problems of torture in the country, the problems of minority rights, and related issues, then that would give an additional forum to these issues and an opportunity for more Turkish NGOs to speak than might have the opportunity in the main event.

Mr. RICKARD. I would just add only, from the point of view of the international NGO community, we raised this issue in our meeting earlier this week, and I strongly agree with the implication of the question, which is that a summit is an opportunity to focus and plan and try to seek specific goals. It gives you a target, something to focus on, and I think that people thought that issue was a very good suggestion.

I think there have been excellent examples of the international NGO community using, for instance, the Beijing Conference, in exactly this way. To get together and coordinate an approach focusing on a specific event that lifts the discussion out of the day-to-day response to the most recent crisis, which I think can be very useful.

I think people will be following up on that issue.

Sec. KOH. Thank you.

Mr. SMITH. Thank you very much, Mr. Secretary.

I want to thank our distinguished witnesses for your excellent testimony and, more importantly, for the great work that you do on behalf of human rights, not just as it relates to Turkey, but in other parts of the world as well.

So, thank you, and the Commission hearing is adjourned.

(Whereupon, the hearing was concluded at 1:07 p.m.)

APPENDICES

OPENING STATEMENT OF CO-CHAIRMAN BEN NIGHTHORSE CAMPBELL

Thank you, Mr. Chairman. It is a pleasure to be here for my first Commission hearing as Cochairman. I look forward to working with you and our fellow Commissioners this Congress.

I appreciate your decision to hold an overview hearing as soon as possible. I hope we can do this every year. I welcome our distinguished witnesses, Secretary Grossman and Secretary Koh, and I look forward to learning from them about U.S. policy toward the Organization for Security and Cooperation in Europe, and about the human rights situation within the OSCE participating states, including Turkey.

The witnesses on our second panel are Stephen Rickard, the Director of the Washington Office of Amnesty International USA, Douglas A. Johnson, the Executive Director of The Center for Victims of Torture, and Neil Hicks, the Senior Program Coordinator of the Middle East and North Africa Program of the Lawyers Committee for Human Rights, who will address the human rights situation in Turkey. I look forward to hearing their views.

Since the 1991 summit that produced the Charter of Paris for a New Europe, the OSCE has fundamentally changed. As an international organization, instead of a diplomatic conference, it now has a variety of important operational roles for example, helping rebuild civil society in Bosnia under the Dayton Agreement. It already has a substantial role in Kosovo, and may have an even bigger role once a peace agreement is signed.

In the rush to undertake these high-profile missions, it is very important that the OSCE remain true to its basic principles. Thanks to the consensus nature of decision making in the OSCE, the U.S. is able to ensure that respect for human rights is a fundamental part of all OSCE operations.

Despite the OSCE's success in establishing high international human rights standards, too many OSCE states fall short of those standards, including some long-standing allies of the U.S. Problems range from inequitable property restitution policies, through unfair citizenship laws, religious intolerance, ethnic discrimination, and torture, to war crimes, crimes against humanity and genocide. I will be interested to hear how the U.S. plans to hold OSCE states accountable when they fail to meet these standards, and to help them return to compliance.

The OSCE participating states are planning to hold a summit meeting this fall in Istanbul, Turkey. Turkey has a poor human rights record and has political problems. As a NATO ally, as a key to keeping Iraq's Saddam Hussein contained, and as a bridge between Europe and Central Asia, Turkey is very important to the United States.

National elections are scheduled for April 18th in Turkey. The Islamic fundamentalist "Virtue" party may win the largest number of seats in the parliament. Virtue appears to be seeking Kurdish votes.

I am curious to learn how the U.S. plans to deal with the dual problems of Turkish domestic political turmoil and human rights violations. I also want to know how the U.S. plans to seek improved Turkish human rights performance and what the U.S. reaction is likely to be if, instead, conditions worsen leading up to the summit.

Again, I thank the Chairman and look forward to this hearing.

**ASSISTANT SECRETARY OF STATE MARC GROSSMAN'S RESPONSES TO QUESTIONS POSED DURING THE HEARING,
SUBMITTED FOR THE RECORD**

REFERENCE: PAGE 20

Senator CAMPBELL. I understand the administration has promised to pay at least a substantial share of the costs of keeping OSCE personnel in Kosovo. What's the total cost likely to be?

ASSISTANT SECRETARY GROSSMAN'S SUBMITTED RESPONSE

Given the situation on the ground, and uncertainty about the size and scope of OSCE's role in post-conflict Kosovo, it's extremely difficult to predict the eventual costs.

At the same time, it's important to remember that the OSCE offers very good burden-sharing: U.S. assessed contributions range from 9 percent to 12.4 percent far less than in other institutions.

REFERENCE: PAGE 25

Mr. SMITH. During oral testimony, you asked for the State Department's response to testimony by Amnesty International's Stephen Rickard that electric shock equipment is being exported from the United States to Turkey.

ASSISTANT SECRETARY GROSSMAN'S SUBMITTED RESPONSE

The Commerce Department's policy is to deny any applications for licences to export specially designed implements of torture to all destinations, including NATO allies. The Commerce Department has not received any applications for export of such equipment to Turkey. The only product that the Commerce department thus far has specifically designated an instrument of torture is thumbcuffs (AKA thumb-screws), though other products are considered on a case-by-case basis.

Crime control and detection instruments and equipment can be exported to most countries with Commerce Department approval. The State Department reviews license requests for such equipment and makes its recommendations to the department of commerce. However, U.S. companies by law (section 6 of the Export Administration Act) are not required to obtain an export permit before selling crime control equipment to Japan, Australia, New Zealand and NATO members, including Turkey. Such equipment includes electronic police shields and 'stun guns' that were marketed in Turkey by the U.S. company Taser International. The Turkish National Police has informed the U.S. Embassy in Ankara that it decided in 1998 not to purchase this equipment because it might spark human rights concerns.

We welcome the opportunity to continue cooperation with staff and NGO community on specific cases of concern as they arise. A

**QUESTIONS SUBMITTED FOR THE RECORD TO ASSISTANT
SECRETARY OF STATE MARC GROSSMAN**

TURKEY: DOMESTIC POLITICS

Question by Senator CAMPBELL. As a former U.S. Ambassador to Turkey, you know that country very well. What are the prospects for achieving political stability in Turkey as a result of this April's scheduled elections? Under any circumstances, can you foresee intervention by the Turkish military in domestic politics, as has happened in the past?

Answer by Secretary GROSSMAN. We strongly support Turkey's democracy. We look forward to working closely with whatever government is formed to advance our bilateral agenda. This agenda includes cooperation on energy issues, security cooperation (including human rights), cooperation on regional matters such as Iraq, trade and economic reform, and Cyprus and the Aegean. As for the Turkish military, I can't engage in hypothetical discussions.

TURKEY: U.S. LEVERAGE ON HUMAN RIGHTS

Question by Senator CAMPBELL. Given the unstable domestic political situation in Turkey, what leverage does the U.S. have to obtain better human rights performance by the government?

Answer by Secretary GROSSMAN. We continue to engage Turkish leaders at the highest level on a broad range of issues, including human rights. Turkish leaders are well aware that this continues to be a high priority for us.

TURKEY: POTUS PARTICIPATION IN SUMMIT

Question by Senator CAMPBELL. Can you foresee any circumstance in which you would advise the President not to attend the scheduled OSCE Summit in Istanbul this fall?

Answer by Secretary GROSSMAN. The OSCE Summit, like the NATO Summit held in April, is a key opportunity to set the purpose and direction of the Euro-Atlantic partnership for the 21st century. However, no decision has been made yet on whether the President will be attending the Summit. This decision will be reached closer to the time of the event.

**GREECE/TURKEY/CYPRUS: REDUCING POST-OCALAN
TENSIONS**

Question by Senator CAMPBELL. Diversion of the Russian S-300 high performance anti-aircraft missile system from Cyprus to Crete appeared to have defused some tensions between Greece and Turkey, until Greece accepted Ocalan, secretly spirited him out of the country to Kenya, and harbored him in the Greek Ambassador's residence until he was arrested. Now, Greece has suffered international embarrassment and criticism from all sides, while Turkish anger has been inflamed. What are the United States' plans for helping decrease tension between Greece and Turkey, and for helping to find a solution for the Cyprus problem?

Q04

Answer by Secretary GROSSMAN. We have urged, and will continue to urge, our two NATO allies to look for concrete, practical ways to address their differences. These efforts are best carried out in diplomatic channels. We have been encouraged by their cooperation on Kosovo humanitarian issues, and have encouraged them to expand this cooperation to other areas.

Regarding Aegean tensions, we are encouraging Greece and Turkey to develop mutually acceptable ways through which the two sides can resolve their disputes. On Cyprus, we continue to press the Turkish side to join with the Greek side's already stated willingness to engage in comprehensive negotiations on the core issues of the Cyprus dispute. The U.S. continues to support UN efforts to achieve a solution based on a bi-zonal, bi-communal federation.

RELIGIOUS INTOLERANCE IN EUROPE

Question by Senator CAMPBELL. The Commission has documented widespread religious intolerance across Europe, some of it based on secularism, some of it based on aggressive efforts by entrenched churches to protect their "turf" from other newer religions, and some of it the tool of ethnic extremists. What do you plan to do to address this phenomenon, specifically with regard to the Jehovah's Witnesses in France and Russia, the Scientologists in Germany, the Austrian and Russian laws on religion, and the Soviet-style regulation and suppression of religion across Central Asia?

Answer by Secretary GROSSMAN. The State Department is committed to freedom of religion or belief. Secretary of State Albright has underscored that human rights, including religious liberties, are a priority in U.S. foreign policy. In compliance with the 1998 International Religious Freedom Act, we have created the Office of International Religious Freedom within the Bureau of Democracy, Human Rights and Labor, and have increased reporting and response to these issues. In bilateral meetings with high-level officials and in international fora, we regularly convey our strong concerns about violations of religious freedom and discrimination toward members of minority religions and belief groups.

The Department urged the Russian Ministry of Justice to register Jehovah's Witnesses as a "Central Religious Organization," a status that was successfully achieved this month. The Jehovah's Witnesses currently have a case pending before the German Constitutional Court on the question of whether they will be recognized as a public-law corporation.

CLARIFICATION OF THE STATE DEPARTMENT'S POSITION ON RELIGIOUS DISCRIMINATION IN GERMANY

Question by Senator CAMPBELL. Over the past six years, there has been a steady increase in the State Department's reporting on religious freedom violations in Germany, including discrimination against a variety of religious groups and German state actions against American citizens. One discriminatory practice of particular concerns is the growing governmental and private use of "sect-filters," statements by individuals and companies that they are not affiliated with a certain

group. However, recent media reports in both the United States and Germany have characterized the most recent State Department Human Rights Report as ending earlier State Department criticism of Germany in the area of religious freedom. Can you please clarify the State Department's current position on discrimination in Germany based on religion or belief. Will you also comment on the use of "sect-filters" by government and private entities in Germany?

Answer by Secretary GROSSMAN. The State Department is committed to freedom of religion or belief. Secretary of State Albright has publicly underscored that human rights, including religious liberties, are a priority in U.S. foreign policy. We believe that individuals should be treated on the basis of their acts and not penalized for minority beliefs or association with an organization. In meetings with high-level German officials we have regularly conveyed our strong concerns about discrimination toward members of religious groups and on the basis of affiliation. We also have raised these issues in international fora, such as the OSCE 1998 Human Dimension meetings in Warsaw.

For the past six years, we have included strong language in our Human Rights Reports regarding discrimination in Germany. These reports receive wide readership and are viewed seriously in Germany. Our Germany Country Report on Human Rights Practices for 1998 gives extensive coverage to the treatment of the Church of Scientology in that country. Our report notes that "sect-filters," statements by individuals that they are not affiliated with Scientology, are used by some businesses and other organizations to discriminate against Scientologists in business and social dealings. We are concerned about the use of sect filters and we have raised this matter with German officials.

WILL IMPLEMENTATION REVIEW BE A CASUALTY?

Question by Chairman SMITH. The OSCE has been given tremendous responsibilities with respect to conflict prevention and post-conflict rehabilitation, the crises in Kosovo and Bosnia, the mission in Croatia, Nagorno-Karabakh, the AMG in Belarus, just to mention a few. Related operational activities have consumed an increasing amount of time and resources in Vienna. Will implementation review ultimately be a casualty of this new dynamic?

Answer by Secretary GROSSMAN. The short answer is "No." It is true that the OSCE has taken on a new role in responding operationally to crises. That is, in fact, one of its major values. We strongly support the increasingly operational nature of the OSCE. We do not think this will detract from the implementation review process. We are strongly committed to the inherent value of the implementation review process, which calls attention to where states fall short in meeting their OSCE commitments. This past year's implementation review meeting in Warsaw was one of the most productive meetings in many years. New modalities were introduced that enhanced NGO participation and enlivened debate on key issues. We believe the implementation review process remains an essential tool for maintaining the OSCE's focus on promoting respect for fundamental human rights and democratic principles.

THE 1999 ELABORATION OF THE DOCUMENT-CHARTER ON SECURITY

Question by Chairman **SMITH**. Much of 1999 will be devoted to an elaboration of a Document-Charter on Security based on an original Russian proposal expected to be adopted at the next OSCE Summit. Skeptics have viewed this effort as largely a repackaging of existing OSCE commitments. How do you view this exercise and what does the U.S. reasonably expect at the end of this time-consuming process? Will there be a component addressing the human dimension? If so, what does the Department hope to have included?

Answer by Secretary **GROSSMAN**. Our goal has been to focus any document resulting from this exercise on the OSCE's twenty-first century role, emphasizing practical capabilities over theoretical discussions or binding obligations. This role for the OSCE is an essential complement to the work performed by NATO, the EU and the other European and Euro-Atlantic institutions. OSCE is best suited to building security within societies respect for human rights, democratic development and open markets, and confidence in one's neighbors. With this in mind, we believe the Security Model should focus on the following main areas:

- First, we should strengthen the OSCE's ability to deal with governments that consistently fail to live up to their Helsinki commitments. This would include a positive emphasis on the kinds of assistance the OSCE can offer states with compliance shortcomings, and options the OSCE can use, as a last resort, to demonstrate its concern to states in persistent non-compliance;
- Second, we must build OSCE mission effectiveness by adding new capabilities, such as police training and monitoring, the elaboration of democracy teams, and more effective training of mission personnel;
- Third, we should encourage OSCE cooperation and coordination with other international organizations, such as the EU and NATO, to give practical life to the concept of mutually reinforcing institutions;
- Fourth, the OSCE should continue its outreach efforts to help build security in the Caucasus and Central Asia.
- Fifth, we remain firm in our opposition to any OSCE organic peacekeeping capability, a proposal the Russians frequently favor. Secretary Albright said in September the OSCE occupies "the middle ground between diplomacy and force." We are working hard, through our Mission in Vienna, to ensure the human dimension portion of the "document-charter" reinforces our commitment to the enhancement of the OSCE Human Dimension. In practical terms, this includes support for a broader and more operationally focused ODIHR, appropriate training in Human dimension issues for members of field missions, and addressing issues such as religious freedom and problems affecting national minorities.

ASSESSING THE OSCE MISSIONS

Question by Chairman **SMITH**. Can you provide your overall assessment of the work of the OSCE Missions? Some have suggested that certain missions (e.g., the Mission to Estonia) have fulfilled their

mandates and need to wind up their activities. What is the Department's view on the process of closing missions? Which missions are ripe for closure in your view?

Answer by Secretary GROSSMAN. Overall, I believe that the OSCE Field Missions are doing an excellent job in promoting the norms and values inherent in the OSCE guiding principles. They are a good investment for America in advancing our national interests and policy goals. Certainly, receptivity to the work of the missions varies in the different countries hosting them, but the missions are providing valuable services in helping participating States come into compliance with their OSCE commitments. The Department agrees that we need to re-examine missions from time to time to ensure that their mandates remain relevant and determine whether the time has come to modify or close any of them. We have made no decisions regarding which missions may be "ripe for closure." We are open to ideas, but a decision like that needs to be based on a review and analysis of varied indicators that would be associated with individual and specific mandates.

THE CODE OF CONDUCT AND IMPROVED IMPLEMENTATION

Question by Chairman SMITH. The so-called "Code of Conduct on Politico-Military Aspects of Security" has been cited by some as the main accomplishment of the 1994 Budapest Summit. Can you cite any specific ways the Code of Conduct has helped lead to improved implementation of Helsinki commitments?

Answer by Secretary GROSSMAN. The Code of Conduct establishes a politically binding set of norms concerning national rights, obligations, and policy regarding diverse politico-military aspects of security. Although it sounds theoretical, in fact the Code is very concrete. For example in the Code, OSCE States agree to cooperate in combating terrorism and to support efforts at conflict prevention and crisis management. The Code also requires that participating States will not use armed forces to limit the peaceful and lawful exercise of human and civil rights.

A participating State may be called to task regarding its handling even of internal matters that are difficult to address through other international instruments. Indeed it was using the adherence to the Code of Conduct commitments which provided a basis upon which the OSCE posed questions to the Russian Federation regarding its military's behavior in Chechnya which provided the unprecedented establishment of the OSCE Mission in Chechnya.

Perhaps most important and unusual among the documents of the OSCE the Code sets norms concerning the relationship between national military and civilian authorities. It mandates civilian control of the military and sets specific standards calling for instruction of its armed forces personnel in international humanitarian law. A yearly questionnaire, submitted in the OSCE Forum for Security Co-operation (FSC) and periodic conferences sponsored by the FSC provide the opportunity for participating States to discuss implementation issues and areas of concern. The first follow-up conference took place in September 1997 another is scheduled for early summer of this year.

STATE DEPARTMENT'S POSITION ON CONSENSUS RULE

Question by Chairman **SMITH**. The OSCE Parliamentary Assembly is on record as supporting modification of the consensus rule that governs OSCE decision-making. Current OSCE rules provide for consensus minus one under very narrow circumstances in cases involving clear, gross and uncorrected violations of OSCE commitments. Does the Department have a position on the consensus rule? Is there a possibility of expanding the scope of the existing consensus-minus one rule?

Answer by Secretary **GROSSMAN**. The U.S. understands Parliamentary Assembly President Helle Degn has proposed the OSCE adopt a new decision-making mechanism as an alternative to the current requirement for consensus. We appreciate Assembly concerns that the consensus requirement can lead to hostage-taking. To date, however, there has been little abuse of the right to withhold consensus within the OSCE. Consensus based decision-making is at the very foundation of the OSCE as an institution. Smaller states value participation in the OSCE above other fora precisely because their views carry the same weight as larger states. Changing this mechanism would undermine the inclusive nature of the OSCE, and the principles of equity and cooperation it is based on. The consensus-based nature of OSCE decisions gives them an unassailable credibility. This point is borne out by the decision on the OSCE's agreement with Belgrade establishing KVM. It is also obtains in the decision to remove Russian weapons from Moldova.

TURKEY: OCALAN AND SUMMIT VENUE

Question by Chairman **SMITH**. Has the recent apprehension of the PKK leader, Abdullah Ocalan, and subsequent violent demonstrations and attacks affected U.S. views on the Istanbul venue? How has the campaign of violence perpetrated by PKK sympathizers affected the thinking of Europeans on Istanbul?

Answer by Secretary **GROSSMAN**. The U.S. remains committed to the OSCE summit being held in Istanbul. We should not allow the PKK or other terrorist organizations to intimidate the OSCE into changing venues.

SUPPORTING H.R. 1064 AND ITS OBJECTIVES

Question by Chairman **SMITH**. H.R. 1064 the Serbia and Montenegro Democracy Act of 1999 was introduced last week in the House. It provides substantial U.S. assistance to democratic forces in Serbia and Montenegro, including a voluntary contribution to the OSCE and the OSCE Parliamentary Assembly to develop a program on the multi-lateral level to encourage democratic change in Serbia. Will the Administration lend its support to H.R. 1064 and its objectives?

Q04

Answer by Secretary **GROSSMAN**. The Administration strongly supports the goals of the bill, all of which are long-standing Administration policy. However, we cannot support the bill because, as a matter of policy, the Administration opposes earmarks of our money. Through

activities funded under the U.S. Support for East European Democracy (SEED) Act, we have actively pursued programs designed to bolster democratic reform in Serbia and Montenegro. In FY 1999, close to \$10 million was programmed for democracy and governance programs in Serbia and Macedonia, including over \$2 million in support for independent media. Other programs include assistance to independent media, local NGOs, labor unions, political parties, etc.

SEED will continue to fund such programs again when conditions on the ground allow us. In the interim, we will work to increase objective news broadcasting into Serbia from neighboring states.

On the bill itself, the Administration has two strong concerns, however: First, the authorization may not be matched by appropriations. Furthermore, the Administration needs sufficient flexibility in order to effectively carry out these programs. The earmarks in the bill and to a certain extent the bill itself do not provide this flexibility. Second, much of what the bill proposes to do cannot be accomplished at this time, due to our inability to operate in Serbia.

CAN THE OSCE MISSION IN CHECHNYA CARRY OUT ITS MANDATE?

Question by Chairman SMITH. We understand that the OSCE mission in Chechnya has had to do much of its work out of the Norwegian Embassy in Moscow due to security concerns in Chechnya. What is the current situation concerning the mission? Given the political insecurity and high incidence of kidnapping in Chechnya, do you think that the mission can carry out its mandate? What is the record of Chechen cooperation with the mission? Russian cooperation?

Answer by Secretary GROSSMAN. The security situation in Chechnya remains very difficult. In the wake of the March 5 kidnapping of the Russian Federation Interior Ministry representative to Chechnya, General Shpigun, the OSCE Chairman-in-Office temporarily withdrew the international staff of the Assistance Group to Moscow. The security situation in Chechnya has affected the ability of the Assistance Group to fully carry out its mandate. With the withdrawal of all international relief organizations from the region surrounding Chechnya, information on developments in this volatile region is difficult to obtain. We believe the Assistance Group continues to play a useful role in focusing international community attention on Chechnya. While in Moscow, Group members meet regularly with Russian Federation officials involved in developing North Caucasus policy. They also meet with a range of Chechen representatives. Regular Assistance Group reporting to the OSCE Secretariat is one of the few useful sources of information about Chechnya available to the international community. The Group also serves as a point of contact for Chechen leaders to reach out for advice and assistance. Both Russian Federation and Chechen authorities view the OSCE Assistance Group to Chechnya as an authoritative interlocutor.

The situation in Chechnya remains very unstable and requires constant monitoring. This is not the first temporary evacuation of the Assistance Group. We rely on the sound judgement of the Head of the Assistance Group and of the OSCE Chairman-in-Office to decide when the security situation will permit Group members to return to Grozny. Safety of Assistance Group members is a primary concern.

THE OSCE MINSK GROUP AND THE NAGORNO-KARABAKH CONFLICT

Question by Chairman SMITH. In 1997, the OSCE Minsk Group offered proposals to resolve the Nagorno-Karabakh conflict that Azerbaijan accepted as a basis for negotiation. So did Armenian President Ter-Petrosyan. But he was forced to leave office and the people who came to power rejected the OSCE plan. In 1998, the Minsk Group came up with a new package that Armenia and Nagorno-Karabakh accept but Azerbaijan rejects. Where do we go from here? Will the Minsk group put forward a new compromise plan, somewhere in between the 1997 and 1998 plans? Is the alternative to doing so growing irrelevance?

Answer by Secretary GROSSMAN. The Minsk Group Co-Chairs have no plans at this time to present a new proposal to the parties, although they frequently exchange ideas for sharpening ideas in the existing text. The three proposals already on the table taken cumulatively contain all requisite ingredients for a comprehensive settlement. The Co-Chairs' view, also held by the other OSCE Minsk Group members, is that the parties might usefully take a fresh look at all existing proposals.

The Co-Chairs are now looking for a way to bring the parties back to the table within the context of the Minsk Group and based on a mutually acceptable agenda. If another trip to the region promised to yield fruitful results, the Co-Chairs would certainly consider that. The main challenges are now 1) creating the conditions that would give the parties confidence to sit at the table together; and 2) sequencing the items of an agenda in a way that preserves that confidence and facilitates forward movement in talks. The Secretary's April 25 meeting with the three Caucasus presidents, her individual meetings with those presidents, and the meeting she facilitated between Presidents Aliyev and Kocharian were efforts designed to do this. It is too early to tell how those efforts will play out, but the parties welcomed them and initial reactions suggest they could help to move the peace process forward. All parties to the conflict have stated their view that the OSCE's peace process (aka Minsk Process) is the best, and indeed only viable, mechanism for negotiation of a comprehensive settlement of the Nagorno-Karabakh conflict.

ROMANIA'S HUMAN RIGHTS VIOLATIONS CAN ROMANIA CONDUCT A SUCCESSFUL CHAIRMANSHIP YET?

Question by Chairman SMITH. Romania continues to struggle with a number of human rights issues, for example, its criminal defamation statute under which several journalists were recently sentenced to prison for writing articles exposing corruption by government officials. Investigation of crimes committed against members of Romania's large Roma and Sinti population languish. Several cases, including murders, which occurred in the early and mid-1990s have not been brought to trial. And, finally, Romania maintains a discriminatory property restitution law. What impact, in your view will these matters have on the ability of Romania to secure consensus to be the Chair-in-Office? How would the U.S. react? Could the Romanians conduct a successful chairmanship at this stage? Perhaps they should set their sights on the year 2002?

Answer by Secretary **GROSSMAN**. We have raised the concerns that you have cited in bilateral exchanges with Romanian officials and in multilateral fora such as the OSCE implementation review meeting. Romania understands that its ability to address these matters effectively will influence its credibility as chairman-in-office. As noted in our 1998 Human Rights Report, Romania continues to make progress on these and other human rights issues. The Romania country report on human rights practices for 1998 reports progress in some areas, although several serious human rights problems remain. The Romanian government is actively engaged in judicial reform, has improved prison conditions, and has announced a series of initiatives designed to improve education. Parliament attempted last year to ease a remaining restriction on freedom of expression, but the attempt failed due to an unrelated matter. Chairmanship of the OSCE is a big job and the responsibilities that go with the job grow each year. We appreciate Romania's desire to take on the serious challenges that attend this job. The Romanian Government is taking deliberate steps to prepare itself for these challenges. We have not yet made a final decision on Romania's bid but have been in close contact with the Romanian government concerning its preparations. If we decide to support Romania as OSCE Chairman, we will make every effort to work with the Romanians to help ensure that its chairmanship will be successful.

QUESTIONS SUBMITTED FOR THE RECORD TO ASSISTANT SECRETARY OF STATE HAROLD HONGJU KOH

SYSTEMATIC DISCRIMINATION AGAINST ROMA IN EUROPE

Question by Senator **CAMPBELL**. Systematic discrimination against Roma in Europe, including lethal assaults by skinheads, continues. It may be the emerging European civil rights issue for the next decade. What can the U.S. do to foster respect for the human rights of minorities, including Roma and Sinti?

Answer by Secretary **KOH**. The Administration shares your concern for the civil rights of individuals belonging to minorities in Europe. We strongly encourage all OSCE member states to respect the rights of all their citizens, including Roma and Sinti. Our commitment to human rights demands that we tell the truth about human rights problems in all countries. In our diplomacy and public statements, we speak up for fundamental rights and freedoms, including the rights of members of national ethnic and religious minorities. As basic as these core principles sound, we believe that they contribute to the strengthening of an international human rights agenda, and the fostering of human rights for all citizens, including minorities. Specifically with regard to Roma and Sinti, we take very seriously reports of persecution and discrimination against these minorities. We strive to report on their status fully and accurately in the annual Country Reports on Human Rights Practices. We also raise concerns about the treatment of minorities in both bilateral and multilateral frameworks. On the multilateral side, we strongly support the work of the OSCE on human rights issues affecting members of minorities. We use the OSCE implementation review process to speak publicly to our concerns about Roma, Sinti, and other minorities. In addition, we recently funded a grant to enable Professor Diane Orentlicher of American University, a noted human rights law professor, to work in the office of the OSCE's High Commissioner on National Minorities, where she has been formulating a strategy to address the problems of the Roma and Sinti communities spread across Europe, Canada and the U.S. We believe that the High Commissioner's office assumes a critical role in addressing our concerns on minorities issues in post-Cold War-era Europe. Professor Orentlicher's contribution to High Commissioner van der Stoep's work demonstrates the Department's commitment to tap this office's potential as a valuable tool for promoting greater tolerance, fighting discrimination, and formulating strategies to address the problems of the Roma and Sinti communities.

COMPLIANCE WITH ICTY AND CREDIBILITY

Question by Mr. **SMITH**. How important, in your view, is compliance with the International Criminal Tribunal for the former Yugoslavia for the credibility of the international human rights effort generally?

Answer by Secretary **KOH**. Compliance with the International Criminal Tribunal for the former Yugoslavia is vital to the credibility of the international human rights effort. It should be seen as an important, but not the only yardstick in evaluating progress in promoting respect for human rights. The ability and commitment to bring those

responsible for war crimes and crimes against humanity to justice allows civilians devastated by vicious crimes to move forward with their lives knowing that the international community will punish the guilty. The support of the U.S. and others for the Tribunal sends a global message about the importance of human rights in international decision-making. That is why the U.S. is far and away the leading political and resource supporter of the Tribunal.

USEFULNESS OF A PERSONAL REPRESENTATIVE TO TURKEY

Question by Mr. SMITH. There has been a long-standing request by the OSCE Chair-in-Office dating back to the Swiss Chairmanship (1996) to send a Personal Representative to Turkey. In the Department's view, could such contact serve a useful function? Has this issue been raised with the current Norwegian Chairman-in-Office? Has this proposal been raised by the U.S. with Turkish officials?

Answer by Secretary KOH. During the Swiss Chairmanship, the OSCE Parliamentary Assembly adopted a resolution recommending that the OSCE assign a special representative to assess the human rights situation in Turkey. The U.S. Government supported the idea. However, the OSCE Parliamentary Assembly approach with Turkish parliamentarians did not result in a positive response. Thus, the recommendation was not implemented. The idea has not been raised since then.

PRESIDENT IN ISTANBUL?

Question by Senator CAMPBELL. Do you believe President Clinton has to go to Istanbul for the OSCE Summit, even if human rights conditions there should worsen?

Answer by Secretary KOH. The President has not yet committed to attending the OSCE summit. The summit is an opportunity to address several key components of Euro-Atlantic relations. Turkey recognizes that the run-up to the summit will focus attention on human rights conditions in Turkey. We are confident that Turkish authorities understand that making concrete improvements in human rights will help ensure the success of the summit.

IMPLEMENTATION REVIEW AND THE ISTANBUL SUMMIT

Question by Senator CAMPBELL. If the OSCE Review Meeting's human dimension portion that may be held in Istanbul prior to the OSCE summit cannot be held under conditions granting free access and free speech to all individuals and legal organizations desiring to appear (what we call the "Moscow Rules," based upon conditions established for the 1991 Moscow meeting), should the summit itself go forward?

Answer by Secretary KOH. We are working diligently to ensure that non-governmental organizations and other interested parties have significant opportunities to participate both in the OSCE implementation review and the summit.

We believe that Turkey also has a strong incentive to ensure such access, since the implementation review and summit will focus attention in Turkey on human rights and on Turkey's compliance with its OSCE commitments.

U.S. LEVERAGE REGARDING TURKEY

Question by Senator CAMPBELL. Given Turkey's importance for other U.S. policies, such as containing Saddam Hussein and maintaining access to Central Asia, what leverage do we have over Turkey, especially if it feels its unity as a state is under threat?

Answer by Secretary KOH. Turkey is a key NATO ally, a bulwark of stability in a region critical to U.S. strategic interests, and an important partner in trade and energy. Because of the strong, multifaceted relationship that we share with Turkey, we have many opportunities for constructive dialogue on a variety of issues, including the promotion of democracy and human rights in Turkey.

The U.S. firmly recognizes and supports Turkey's territorial integrity. We also believe that a key to ensuring Turkey's internal security lies in the expansion of democracy, including full democratic political participation by all of Turkey's citizens and protection of their human rights.

CULTURAL AND LINGUISTIC RIGHTS OF KURDS

Question by Mr. SMITH. The Turkish authorities have shut down Kurdish language classes offered by non-governmental cultural institutes. Cultural and linguistic rights of Turkey's Kurds are severely limited. Broadcasts in Kurdish are outright prohibited. Are you aware of any other country that places such severe limitations on the use of a language? If so, can you name any specific countries that employed similar tactics?

Answer by Secretary KOH. Unfortunately, there are many countries in the world that place significant restrictions on minorities' cultural and linguistic expression. Our Country Reports on Human Rights Practices extensively document the treatment of minorities, freedom of expression, and other human rights concerns throughout the world.

Among the OSCE member states and in Europe in general, there have been notable improvements in several countries that have actively worked to accommodate the legitimate desires of minorities for linguistic and cultural expression. We hope that these countries will serve as model for Turkey.

In my March testimony before the CSCE, I discussed our concerns about Turkey's denial of basic political, cultural and linguistic rights to the Kurds as well as our desire that Turkey will begin a process of reconciliation with the Kurds. While we condemn terrorism and threats to Turkey's territorial integrity, we believe that the answer to Kurdish issues lies in the expansion of democracy, including adopting reforms that would allow greater freedom of expression and wider political participation. We believe that a more inclusive policy toward the Kurds would strengthen Turkey's territorial integrity.

REFINING THE OSCE'S DELIVERY SYSTEMS?

Question by Mr. SMITH. In your February remarks before the Permanent Council in Vienna you urged that consideration be given to ways of refining the OSCE's "delivery systems" in the lead up to the Istanbul Summit. Could you be more specific in terms of possible refinements?

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Answer by Secretary KOH. Developments in Europe since the end of the Cold War, especially in Bohemia and Kosovo, have underscored the fact that in today's Europe building comprehensive and lasting security is as much about building confidence and security within societies as between them. We therefore need a concerted effort within the OSCE to build an international civilian capacity to deal with such issues as crisis prevention, crisis management, and crisis resolution on a rapid basis. A key centerpiece of the OSCE summit should be an initiative to develop an OSCE capability to take on these challenges via the REACT concept (Rapid Expert Assistance and Cooperation Teams), in accord with OSCE established principles and procedures.

REACT is designed to create a stand-by capability that would allow the OSCE to send teams of civilian experts rapidly and effectively to OSCE participating States to deal with conflict prevention, crisis management, and post-conflict rehabilitation.

THE UNITED STATES' USE OF TOOLS AND MECHANISMS OF THE OSCE TOWARD TURKEY

Question by Mr. SMITH. During your address to the Permanent Council in Vienna in February you praise the effective use of OSCE tools, including the work of the High Commissioner on National Minorities. To what extent has the U.S. attempted to direct the various tools and mechanisms of the OSCE to press Turkey to fulfill its OSCAR commitments, including gross violations of the rights of individuals belonging to Turkey's substantial Kurdish population?

Answer by Secretary KOH. Our approach to promoting democracy and human rights is to use an "inside-outside approach." We support positive trends inside countries by providing assistance for reform efforts and to NGOs, etc. We also apply external pressure when warranted through diplomatic efforts in bilateral and multilateral fora.

Our strong partnership with Turkey provides ample opportunity for constructive dialogue on human rights issues, which are a high priority in our bilateral relationship. We maintain an active dialogue on human rights, and we raise our concerns at highest levels of the Turkish government.

The OSCE, like other intergovernmental organizations, is one of the mechanisms we can use to apply external pressure. It provides a public forum for holding all member states, including Turkey, accountable for their human rights practices as regards all of their citizens. We believe that states' records on human rights and democracy should be measured against their obligations under European and international human rights instruments. We have consistently raised our concerns about Turkish compliance with OSCE human dimension commitments at the annual OSCE implementation review meetings and at OSCE meetings and seminars.

We believe that the OSCE Summit in Istanbul will help advance our human rights agenda. This event will focus attention in Turkey on human rights issues and on Turkey's compliance with OSCE obligations as regards all of its citizens. Therefore, we believe it will serve as an incentive for the Turkish government to make concrete improve-

ments in human rights. The summit also will give Turkish and international NGOs a platform to highlight their concerns to a broad audience.

FAIR APPLICATION OF RESTITUTION AND COMPENSATION

Question by Senator CAMPBELL. Property restitution and compensation appear to be a patchwork of different laws with different standards across Europe. What can the U.S. do to make sure restitution and compensation schemes are fair, and that U.S. citizens are not disadvantaged?

Answer by Secretary KOH. On March 25, Under Secretary of State Stuart E. Eizenstat testified before the Commission on Security and Cooperation in Europe on property restitution in Central and Eastern Europe. In that testimony, Under Secretary Eizenstat said that property restitution is part of Europe's unfinished business. It is part of the job of repairing the damage from two of the 20th century's greatest European disasters. The Holocaust devastated the lives, families and institutions of European Jewry, and the Nazis and their fascist allies destroyed or stole vast amounts of Jewish property. After World War II the Soviet Army's occupation of eastern and central Europe, followed by the installation of communist regimes, led to massive seizures of both private property and property owned by religious and other community organizations.

Since the fall of communism, nearly every country in eastern and central Europe has begun returning religious community property. Some have restituted a large part of both communal and private property. Some have done very little. The process, as well as the progress, in each country is different, reflecting minor differences in their histories and current politics. Most of these countries have democratic parliaments, and they carry out restitution through their own laws and procedures and in accordance with their own particular circumstances. So it is unrealistic to expect them all to follow a single solution.

Nevertheless, the basic principle that wrongfully expropriated property should be restituted (or compensation paid) applies to them all, and their implementation of this principle is a measure of the extent to which they have successfully adopted democratic institutions, the rule of law with respect to property rights, and market economy practices. As these governments seek to join western economic and political organizations, and to integrate their economies more closely with ours, we do expect them to adopt the highest international standards in their treatment of property. Indeed, in 1995 the European Parliament, called on central and eastern European countries, including many candidates for membership in the European Union, to adhere to such standards. Adopting such standards would also help these countries attract foreign investors, who want to be assured there is a transparent, fair and just private property system in place.

WHAT THE U.S. GOVERNMENT IS DOING

The fact that there have been so many changes in territories, minority populations, political systems and legal frameworks in Europe in the 20th Century means that we cannot have a simple, one-size-fits-all policy. It means that our restitution policies must fit the his-

torical context of each country, must take into account the highest local standards of justice, and ideally should contribute to the overall development of democratic and market economy values in each country.

We approach this both bilaterally and multilaterally. In our bilateral efforts, we routinely raise property restitution issues with official visitors of all levels from the countries of the region. Over the years Secretary Eizenstat has been involved in these issues, he has visited some dozen countries in central and eastern Europe, many several times. Last summer he visited Lithuania and Poland, and since then he has visited Ukraine and Bulgaria, and addressed property restitution each time. Ambassador Henry Clarke, Senior Advisor for Property Restitution, has visited Moldova, Romania, Poland, Lithuania, Bulgaria, Slovakia and the Czech Republic during this period. The Administration has devoted considerable effort to gathering current information on restitution, and our main purpose has been to advocate further steps in private and communal property restitution that appear appropriate for each country.

The State Department and U.S. Embassies in the region focus on both communal and private property restitution. We are especially sensitive to discrimination against American citizens' claims, even when we cannot espouse an individual claim or take a position on its merits. We do this by vicariously advocating fair and expeditious treatment for all such claims as a group, for example, our Ambassador in Slovenia did with the Justice Minister just two days ago. Even though we cannot provide legal advice to a claimant, Embassies and Consulates can and do provide information about the local laws, judicial system, and claim procedures. They maintain a list of local lawyers, and often explain which officials or agencies may be of assistance as American citizens attempt to resolve their claims.

We organized the Washington Conference on Holocaust-era Assets, in early December 1998, with 44 countries and 13 non-governmental organizations to discuss a variety of issues from art and insurance to communal property. The Conference included both a plenary and a working group session on communal property restitution. This was the U.S. Government's first attempt to take a multilateral approach to this subject. It was also the first international conference among governments, with non-governmental organizations participating, on real property restitution, we did not expect to reach a consensus, but we did want to generate an exchange of ideas that would promote the restitution process. Our overall goal of communal property restitution-justice for those communities persecuted by the fascist or communist regimes, or both was not challenged. For good reason: almost every country in the region has returned at least some communal property to its original owners, out of a sense of justice, and out of recognition of the importance of revitalizing religious groups in a more tolerant and pluralistic age.

In remarks on communal property to the Washington Conference, Under Secretary Eizenstat outlined a series of principles and "best practices" appropriate for restitution of communal property seized originally by the Nazis or their fascist allies, generally from Jewish communities, or later expropriated by communist regimes without

compensation. While not all these practices have been adopted in all countries, they give us a broadly applicable set of concepts which countries should consider.

Since this hearing is addressing restitution of both communal and private property, there is a longer list of principles and best practices we would like to see adopted.

- We encourage governments to establish equitable, transparent and non-discriminatory procedures to evaluate specific claims. In most countries this requires national legislation. Access to archival records needed for the process should be facilitated by the government whenever necessary. Where archives have been destroyed, reasonable alternative forms of evidence should be permitted. National governments should take the necessary steps to ensure that their restitution policies are implemented at regional and municipal levels of government, which often control the bulk of the property. We recognize that this may involve constitutional problems, but fairness demands some uniformity of policy and administrative practice.
- Owners or their heirs should be eligible to claim personal property on a non-discriminatory basis, without citizenship or residence requirements.
- Legal procedures should be clear and simple.
- Governments at all levels should respect and implement the decisions of courts when these are final. (In some countries, government agencies continue to occupy properties for years after they have been awarded to the original owner, without making any plans to move.)
- Restitution claims should be honored before privatization takes place. Governments should be very cautious about privatizing property, confiscated by the Nazis or Communists, whose ownership is in dispute. If this is not done, original owners should have a right to fair compensation. Governments should make provisions for the present occupants of restituted property. In most cases, those using the property now had no hand in the expropriation. If no compensation or alternative accommodations are found for the occupants, the restitution tends to be delayed, sometimes indefinitely.
- Restitution of property should result in a clear title to the property, generally including the right of resale, not simply the right to use property, which could be revoked at a later time.
- Generally, communal property should be eligible for restitution or compensation without regard to whether it had a religious or secular use. Too many countries restrict restitution to only narrowly defined religious properties, excluding the return of parochial schools, community centers, and other communally owned facilities. We recognize that governments may need to set some limits on the classes of property to meet other standards of equity (for example, large agricultural or forest land holdings).
- Where local religious communities are very small, as is often the case with Jewish communities, we encourage the establishment of foundations, managed jointly by local Jewish communities and international Jewish groups, to aid in the preparation

of claims and to administer restituted property. Such foundations enable international groups to share the burdens, and potentially some of the benefits, of the restituted property.

- Cemeteries and other religious sites should be protected from desecration or misuse before and during the restitution process.

This is admittedly a long list, and perhaps no country has fulfilled every principle perfectly. But it is not a theoretical list either. Every one of these "best practices" has been adopted somewhere as an important feature of the restitution process. Taken together, they clearly illustrate that property restitution is an integral part of the economic and political reform now underway in central and eastern Europe. It reflects, and contributes to, the development of democratic and pluralistic institutions. By establishing new legal protections for private and other non-state ownership, property restitution helps establish a sound basis for a market economy.

We recognize that the basic legal processes involved in restitution take time, some claims can be very complex, and where there are serious disputes it takes even longer to resolve them. It is safe to assume that any restitution case involving valuable property is likely to be complicated. Jewish property may have been confiscated twice. Documentation may be lost. There are probably rival claimants. There may be different options possible for restitution, compensation, privatization or retaining state control. Each country will insist on working through these complexities within its own legal framework and political context.

Nevertheless, we feel strongly that these principles should be adopted now. Moreover, countries that have embarked on this difficult task should not allow the process to languish, but should press on to bring it to an honorable conclusion. Justice will not become easier as time passes; we have already seen too often that justice delayed can be justice denied.

Multilateral attention to the process of property restitution in Europe was not a one-shot event. The Polish Government is planning to host an international conference on communal property restitution in November of this year. We know from our own experience that holding a conference on such a complex and potentially controversial topic is not easy, and we commend the Polish Government for undertaking this task and making this contribution to the future of Europe.

While the United States is fortunate not to have suffered the massive expropriations of central and eastern Europe, we also have a role to play in determining what happened to moveable assets seized by Nazis, some of which came under our control. Under Secretary Eizenstat recently attended the initial meeting of the Presidential Advisory Commission on Holocaust Assets in the United States, chaired by Edgar Bronfman. It has two tasks: to conduct original research on the collection and disposition of Holocaust era assets that came under the control of the U.S. Government after 1933, and to review research being conducted more broadly in the public and private sectors. We find that the Commission will not be able to conclude its work by the end of 1999, and therefore will be asking Congress to extend its mandate to the end of the year 2000.

RECENT DEVELOPMENTS IN CENTRAL EUROPE

Bulgaria has returned substantial amounts of communal and private property since the early 1990's, although the administrative processes have been difficult and efforts of the courts to resolve complex cases have sometimes taken years. Many important properties remain in dispute, notably those belonging to the Jewish community and the Catholic and Orthodox Churches. For example, in 1996 Under Secretary Eizenstat testified before this Commission that the Bulgarian Supreme Court had upheld a finding that 49% of the Rila Hotel should be returned to the Jewish community. This has not happened. Subsequent changes in Bulgarian legislation, including a new law on privatization adopted at the request of the IMF, and challenges to the original court decision have further delayed settlement of this issue. We are continuing to pursue this issue aggressively.

Agricultural land redistribution from collective farms to former owners is still underway, following changes in the law to permit the former owners to reclaim their original land rather than shares allocated by the farm directors. Forest and farmland can only be returned to Bulgarian citizens; non-Bulgarian citizens can (and do) receive other property, but if they are not permanent residents they must dispose of the property.

The 1997 "Luchnikov" law established a broad, nondiscriminatory procedure to compensate former owners for property which could not be returned (for example, because buildings had been destroyed or rebuilt after the expropriation). The period for claims under this new procedure ended in November 1998, overwhelming district governments with applications. As a result, the deadline for appeals in cases where the authorities fail to reply has been extended to the end of 1999.

Croatia's Law on Compensation for Property Taken During Yugoslav Communist Rule permits only people who were Croatian citizens when the law was passed (January 1, 1997) to receive restitution or compensation. The Department has objected to this discriminatory legislation at the highest levels of the Croatian government, and during the fall of 1998 we attempted to negotiate a solution to ensure that U.S. citizens could apply. In a letter to Foreign Minister Granic, Under Secretary Eizenstat pointed out that the continued inability of U.S. citizens to receive equal treatment risks discouraging U.S. investment. Unfortunately, American citizens remain unable to file claims under this law. We will continue to work on resolving this inequity.

The Czech Republic probably has had the sharpest internal conflicts over Catholic Church property restitution of any country in the region. 175 monasteries and other properties were returned to Catholic orders under laws passed in 1990 and 1991, but the current government is generally opposed to Catholic property restitution. In February 1999 a national commission was formed to address church-state relations, including property restitution, for all faiths, but the churches and the government disagreed sharply over its composition even before it could meet.

Most Jewish communal property in the hands of the Czech national government and the city of Prague has been returned, amounting to about one-third of the community's priority list of 205 properties they want restituted. Most of the remaining two-thirds, which have not

been restituted or compensated, are Jewish communal properties held by other local authorities or turned over to third parties. These properties were not covered by the 1994 federal decree which returned property held by the national government, because only a new law would have the power to require local authorities to restitute the property.

A separate national commission has been formed, to examine property restitution issues arising from the Holocaust, including both individual and community real property and other assets held by victims of the Nazis. Restitution in this context seems to enjoy greater government support and we are hopeful that this commission will create a breakthrough in restituting Jewish assets.

In February the government opposed a bill in Parliament which would have removed the citizenship requirement for private property claims, but it also introduced legislation to permit dual citizenship for Czech Americans. We will continue to press the Czech government to permit American citizens to claim their former property.

When Estonia became independent, the government returned confiscated property belonging to Christian denominations, but the small pre-war Jewish community had rented most of its communal facilities. One parcel of land was restituted, and the government assisted the Jewish community to acquire the building on that property. Estonian private property owners have been able to reclaim their property if they filed before the deadline, irrespective of present citizenship.

Hungary was an early leader in passing and implementing legislation for private and communal property restitution and compensation. Several thousand religious community property claims have been resolved through negotiation or by government decisions, and about \$100 million has been paid in compensation. 818 properties remain under negotiation between the government and the Catholic Church. In October 1998 the Jewish community waived claims to about 150 properties in exchange for annual support payments from the government (which other religious organizations also receive); the Jewish community has actually received four or five buildings in restitution and is negotiating for another 10 to 15.

Private property has been restituted under a 1992 law, amended in 1997, which has no citizenship or residency requirement. Hungarian Holocaust victims even receive a modest monthly pension from a foundation that receives government compensation for heirless private Jewish property.

Recently the relationship between the Jewish Community and the Hungarian government has seriously deteriorated, as result of a law providing about \$136 to the heirs of those who died in the Holocaust. This very small figure compares to about \$4500 paid to heirs of those convicted and executed for political crimes, Jewish organizations have asked Jewish beneficiaries to reject the compensation, and about 1000 of the 67,000 checks sent to Jews in Hungary and other countries have been returned.

Latvian law provides for the restitution of confiscated property to former owners or their heirs. The law does not discriminate on the basis of citizenship or residency. If the original property cannot be returned, local authorities offer another property or compensation in the form of vouchers. Most communal property cases, Jewish and

Christian, have already been adjudicated and property rights restored, although a few long-standing cases are still being negotiated. Private properties now occupied by economically productive facilities have been particularly difficult to resolve. Claimants are frequently reluctant to accept alternative properties when their value is difficult to establish.

Lithuania has restituted both private and religious property, but the government has not always turned over buildings awarded to religious communities by the courts. For example, during my visit last summer the Jewish community gave me a list of nine properties which courts had awarded to them which were still occupied by government agencies. The Catholic community has been more successful in having property returned to it than the Jewish community, which is badly splintered. As in other countries, the Jewish community cannot afford to repair or maintain all of the religious property they have received, which includes 26 synagogues.

Until now, the definition of religious property has excluded communal property for secular use. The government has sent a draft law to parliament, which would greatly expand the kinds of communal property that could be restituted. It would include social facilities, schools and sports clubs, and would be applicable to all ethnic and religious groups in Lithuania. We have long urged such a broader definition of communal property and very much hope it will receive prompt approval by the parliament.

The Lithuanian government is considering the establishment of a special foundation, which would receive property and funds for use of the Jewish community, and to provide protection for cultural monuments.

Lithuanian law provided for the restitution of private property only to Lithuanian citizens, and the deadline for filing claims has passed. A requirement for permanent residence was dropped. Some Lithuanian-Americans were able to reclaim their former citizenship, a number of successful claims were made in Lithuanian courts, and others are pending. Statistics on the overall number of properties returned are not available.

Poland has established four separate commissions to process claims of the Catholic, Lutheran and Orthodox Churches, and the Jewish community. About 1800 Catholic properties have been returned or compensated, and another 800 are still under consideration. Thousands of Jewish communal properties served Poland's 3.5 million Jews before the Holocaust, but tragically only a few thousand Jews remain in Poland.

Negotiations have been underway for at least a year between the World Jewish Restitution Organization (WJRO) and the Union of Jewish Congregations in Poland to form a foundation to assist with the reclaiming and managing of these properties. Despite agreement on many points, those negotiations have not yet concluded successfully. So far, the Jewish community has applied for about 250 properties. As time passes without outside help, it is becoming less likely that all of the Jewish communal property can be reclaimed before the deadline in 2002. When I was in Warsaw last summer, I urged both sides to find acceptable compromises and conclude the agreement, and have discussed this several times with officials of the WJRO since then.

The Polish government has been preparing draft legislation for the restitution or compensation for private property, or "reprivatization," but the draft has not yet been presented to parliament. We have been assured on several occasions that it will permit Polish-Americans to file claims for property they or their families owned.

Romania's Parliament has debated new legislation for property restitution in recent months, and it remains a major domestic political issue. Private property claims face a chaotic legal situation in the courts. The government has found it difficult to return limited amounts of communal property to religious and ethnic communities by decree, because partial solutions raise questions of fairness. The Greek Catholic or Uniate Church, which was banned by the communist government, has large and serious claims against both the government and the Romanian Orthodox Church. Romania badly needs comprehensive, nondiscriminatory laws and procedures for restitution of private and community-owned buildings and urban property.

Restitution of farmland has advanced the most: it has reversed collectivization and amounts to a major agricultural reform. On February 25, the Romanian Senate passed a draft law for privatization and/or restitution of state-owned farmland, not including forests, which awaits action by the lower house of parliament. This measure, like earlier measures dealing with collective farms, would entitle former owners to receive up to 50 hectares.

Slovakia has made progress in returning communal property to Jewish and Christian organizations, including about 60% of Catholic claims. State organizations have not always vacated the buildings that were legally restituted, and many claims remain in dispute before the courts. Property built upon by the state is not restituted, and no mechanism for compensation is available for the original owners, at least so far.

The Jewish community opened a new home for the elderly in November 1998, in a large building in downtown Bratislava that had been restituted and then reconstructed. The reconstruction was financed in part with compensation by the Czech and Slovak governments for gold taken from Slovak Jews in 1940. The gold had been melted down by the Nazis, captured by the Allies at the end of World War II, held by the Tripartite Gold Commission, and returned to Czechoslovakia at the end of the Cold War. The nursing home was also financed in part with a grant from the Conference on Jewish Material Claims. But many Jewish properties are in poor condition and beyond the means of the community to restore.

Slovak citizenship is a requirement for private property claims, but we believe Slovak-Americans were generally able to reclaim their citizenship and their property within the deadline.

Restitution of property seized by Yugoslavia's communist government remains one of the most divisive issues in Slovenia. In July 1998, under pressure to reduce a backlog of problematic cases, the parliament amended the 1991 denationalization law. However, some of these amendments appeared designed to protect vested interests. In October 1998, the constitutional court annulled several of them, including one which would have barred the Catholic Church from benefiting from restitution of "feudal" property. The court also struck down differential treatment of Slovenes versus non-Slovenes, for those who were Yugoslav citizens at the time of expropriation, and it per-

mitted those who lost Yugoslav citizenship in the wake of World War II to benefit from the law. Yet the restitution process remains stalled. We look to Slovenia to demonstrate its commitment to the rule of law and to private property rights with concrete progress on restitution.

COUNTRIES WHICH WERE PART OF THE FORMER SOVIET UNION

Unlike the countries occupied by the Soviet Army during and after World War II, much of the expropriation of property in Russia, Ukraine and Belarus took place in the early years following the Russian Revolution, including the 1920's and early '30's. The rationale was much the same—Marxism-Leninism, repression of religious activity, and centralizing control—but in these countries there is little political pressure for reversing the expropriations. People may view the expropriations as unjust, but they are not viewed as imposed by a foreign power, and they are no longer part of the living memory of most of the population.

None of these countries has addressed private property seized in the Russian Revolution. While there may be cases in which a court or administrative procedure has awarded the return of a home or other personal property, in general there are no laws or broadly applicable procedures for restituting private property seized so long ago.

Of course this does not mean that the taking of this property was legitimate quite the contrary. In 1933, the Soviet Union agreed to provide to the U.S. partial compensation for property seized from U.S. citizens up to that time. Shortly before the collapse of the Soviet Union, we were negotiating with it over the remainder of the compensation. Our claims to amounts still owed by the Soviet Union's successor states remain outstanding. In the cases of Russian Revolution expropriations other than those where the U.S. has espoused claims, we would welcome restitution or compensation where this is possible, and where it would not cause some new injustice. But the passage of time necessitates that there will unfortunately be historical limits to real property restitution.

Nevertheless, the post-communist revival of religion in the region has brought about the return of substantial numbers of churches, synagogues, cemeteries and other religious community properties.

Belarus has returned substantial amounts of Christian communal property even without a specific law on restitution, although few statistics are available. The largest church, the Russian Orthodox, has apparently not had significant difficulty obtaining restitution. The Catholic Church has also not had a major problem receiving almost all its former cathedrals; it controls some 280 buildings altogether. Only the Belarusian Ministry of Culture has been slow in returning concert halls and libraries. The sharply reduced Jewish population of some 100,000 has not done so well. While it is not clear whether the Jewish community has received five properties or 14, clearly it has received far less than the 100 properties it has claimed.

In Russia, hundreds of buildings controlled by the federal government have been returned to religious communities under a Presidential Order of April 23, 1993. Estimates of properties returned at the regional or municipal level range up to several thousand. The large majority have gone to the Russian Orthodox Church, reflecting the relative strength of that religion prior to 1917, when it was not easy

for other religions to erect buildings, and its relative negotiating influence in recent years. Synagogues and some other Jewish community properties have also been gradually returned, with cooperation in some regions and disputes in others.

Ukraine has returned some places of worship to all of the major religions, except the Lutheran Church, but all religious communities have encountered problems in reacquiring valuable churches or synagogues that are being used for other purposes, such as concert halls. Returned buildings are generally for the exclusive use of the religious community rather than for ownership, which has seldom been transferred. Last July, President Kuchma issued a presidential decree protecting all cemeteries from misuse or privatization.

Ukraine as yet has no legislation to permit the restitution of secular property that belonged to religious groups, such as schools, community centers or other facilities. However, there is a draft law before Parliament, which would significantly broaden the categories of property owned by religious communities that could be restituted. On February 22, President Kuchma responded to appeals from virtually all religious groups by instructing the State Property Fund to take measures to ban the privatization of property formerly owned by religious communities, which they feared would preclude its eventual restitution.

Moldova, most of which was not part of the USSR between the two World Wars, has no general statute on restitution, but a mixture of laws, decrees, judicial decisions and local practices. One law for rehabilitation of politically repressed or exiled persons includes restitution of confiscated property, and this law has been extended to religious communities as well as individuals. It does not have citizenship or residency requirements.

Moldova has returned practically all of the properties of the Moldovan Orthodox Church, mainly through administrative means. The small Jewish community has received property in Chisinau for its current needs, but this amounts to only a tiny fraction of its property before the Holocaust. There are synagogues in Chisinau and six other towns.

The Moldovan government does not consider claims of former owners when distributing agricultural land through its privatization program. Forests are public lands and not subject to restitution.

The countries that were part of the Russian Empire, and then went through the Russian Revolution, have for generations observed different concepts of private and public property than the United States or Western Europe. Each society—especially each democratic society—must establish basic standards of justice for itself, and those standards must be realistically achievable to some degree, and not perceived as hopeless. The concept of returning places of worship and related religious properties has been broadly accepted throughout Europe, even in countries where that means looking back to the time before 1917. Those countries which experienced the Russian Revolution have not chosen to turn the clock back to 1917 for restitution of private property. We, as outsiders, need to take those standards into account, even as we urge them to adopt Western standards of ownership. We do expect, as these countries continue their transition to market economies, that they will adopt ownership standards compatible with the rest of the world economy.

The restitution of property is part of a larger process of obtaining a reasonable measure of justice for the victims of Europe's major human disasters of the 20th Century. Justice for the people of eastern and central Europe is long overdue. This is especially true for those who were "double victims" of both fascism and communism. Having had justice delayed for so long, they are also entitled to expect that democratic governments will move as promptly as possible to bring closure during their lifetimes. This will not be easy, and we cannot do it alone. Restituting real property, or moveable property such as art, or financial assets such as insurance, will require the efforts of many honorable and courageous people in many countries.

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GROSS VIOLATIONS IN THE NAME OF FIGHTING TERROR: THE
HUMAN RIGHTS RECORD OF TURKEY'S "ANTI-TERROR" PO-
LICE UNITS

NOVEMBER 1998

SUBMITTED BY STEPHEN RICKARD

"If you do not collaborate as you have promised, we will kill you. We are not like other units."—*Istanbul Anti-Terror Unit officer, January 1997*

"This place is not like anywhere else you know. Once you have gone in through this door, you will not emerge in one piece."—*Ankara Anti-Terror Unit officer, April 1996*

"At the Anti-Terror Branch in Mersin they immediately started interrogating me. I was shown pictures of people I did not know. I said so and they started beating me. They beat me for the next two to 3 hours. Electricity was applied to my fingers three times, each lasting about two to 3 minutes. they put a rubber hoselike the inner tube of a bicycle tire around my belly and pulled. I was heavily beaten on my belly and my kidneys. I think that is what caused the vaginal bleeding. [A] woman police officer threatened to kill me."—*Remziye Karakoc, 15-year-old, describing her torture at the Mersin Anti-Terror Unit, May 1996*

"They put my head in a bucket until I almost drowned. They did it again and again. They tied my arms to a beam and hoisted me up. I was blindfolded. When I was hanging I thought my arms were breaking. They sexually harassed me and they beat my groin and belly with fists while I was hanging. When they pulled down on my legs I lost consciousness. I don't know for how long the hanging lasted. They threatened that they would rape and kill me. They said I would become paralyzed. The torture lasted for 8 days."—*Zuhal Surucu, 15 years old, recounting her torture by the Istanbul Anti-Terror Unit, March 1996*

There is something Orwellian about calling units that torture and beat children and sexually assault their victims "anti-terror" police. This report contains over 30 cases which point to one conclusion: the Turkish Anti-Terror and Anti-Riot Police routinely commit gross human rights abuses. The cases include the "anti-terror" branches in Ankara, Istanbul, Izmir, Mersin and other cities and are drawn from existing Amnesty International materials. In other words, Amnesty made no special effort to document abuses by "anti-terror" units. In the process of documenting human rights violations in Turkey the "anti-terror" and "anti-riot police are cited by victims over and over. The abuses range from threats and beatings to the prolonged, sophisticated torture of men, women and children using electric shock devices, highly pressurized water and other means.

To illustrate the scope of the problem with these units we have divided the cases into a number of illustrative categories:

- Torture of Children
- Sexual Assaults on Prisoners
- Electric Shock Torture
- Deaths of Prisoners and Suspects
- Torture and Abuse of Peaceful Activists
- Attacks on Journalists
- Beatings and Psychological Torture

Amnesty International believes that each of these cases involve members of either the “anti-terror” or the “anti-riot” police units and they are all from just the last 3 years. The cases overlapsome of the cases of children who were tortured included electric shock torture. Some of the sexual assault victims were also tortured in other ways. But we have selected particular cases to illustrate particular categories.

The testimonies of these victims is often detailed and highly compelling. Many cases have been corroborated by the testimony of other victims and witnesses and, in some cases, by physical evidence and medical reports. Not every case is documented to this degree, but Amnesty International believes that these testimonies are highly credible and is aware of no serious challenge to their authenticity or the overwhelming evidence that these units have committed many gross human rights violations. In fact, the Department of State’s Country Reports on Human Rights Practices for 1997 states:

Torture remains widespread: police and Jandarma anti-terror personnel often abused detainees and employed torture during incommunicado detention and interrogation. Human rights attorneys and physicians who treat victims of torture say that most persons detained for or suspected of political crimes usually suffer some torture during periods of incommunicado detention in police stations and Jandarma stations before being brought before a court” (emphasis added).

Under the Turkish Anti-Terror Law, police are allowed to detain suspects for up to 4 days incommunicado. During this duration prisoners are subject to innumerable types of torture including, but not limited to, beating, suspension by arms or upside-down, sexual assault, death threats, electrical shock, humiliation, and at times, death. In recent months there has been a greater tendency to torture prisoners before they are actually taken to the “anti-terror” police stations themselves, but the members of these units have continued to assault and torture prisoners.

TORTURE OF CHILDREN

GULCIN OZGUR, age fifteen, was detained in June 1996 a few days after her allegations of torture from a previous detention were published in the newspaper. She was originally detained in February 1996 in the Bismil district of the Diyarbakir province. She was then held for sixteen days and interrogated on suspicion of being a member of the PKK and of trying to join one of their fighting units in the mountains, allegedly by the Anti-Terror Police. On June 5 the newspaper *Demokrasi* reported a public statement by Ozgur describing the sexual assault to which she was subjected during her sixteen-day detention.

On June 12 Ozgur was detained again from her family's home in Mersin and taken to Mersin Police Headquarters. According to Ozgur, the police continually asked, "Are you going to be trouble for us?" They stripped her naked, sprayed her with pressurized water and beat her. She was interrogated throughout 10 days and finally made a statement confessing to membership of the PKK. She has since withdrawn her confession.

HALIL CAN DOGAN, a fourteen-year-old high school student, was threatened with "disappearance" when he was detained together with four other young people in March 1995 at a demonstration in the TuzlucaýAE2r district of Ankara. He was taken to the Anti-Terror Branch of Ankara Police Headquarters where he was blindfolded, threatened with torture, stripped and sprayed with cold water by laughing "anti-terror" officers.

Dogan was again detained again on April 10, 1996, and subjected to beating. On July 25 Dogan was again arrested and held at the Anti-Terror Branch where he was kept in a cell. He was hung up by the arms, suffered electric shock torture, was sexually assaulted and subjected to other forms of torture.

SHERIF BURGAZ, a thirteen-year-old Kurdish boy from Mersin, was detained on May 7, 1996, with his elder brother when they were working on a building site in the tourist resort of Alanya on the Mediterranean coast. When they were asked if they were Kurdish, they replied, "yes," and immediately were beaten with truncheons. They were taken to Alanya Police Headquarters and again beaten allegedly by Anti-Terror Police. They were made to lie down while a policeman would step on their chests. Then they were hung upside-down by their ankles, and given electric shocks as well. This continued several time a day until Sherif was released on May 13.

REMZIYE KARAKOC, age fifteen, was detained with her father while visiting relatives in Adana on May 3, 1996. They were transferred to the Anti-Terror Branch in Mersin, on the same day. There she was immediately interrogated and shown pictures of people she did not know, and when she expressed this she was beaten. This continued for two to 3 hours. In addition, she states that she was tortured by electrical shocks given to her fingers three times, each lasting two to 3 minutes. She was also stripped naked and hosed with cold water. On one occasion a rubber bicycle hose was tied to her abdomen and tightened so severely that she suffered vaginal bleeding. She was released only after "anti-terror" officers threatened to kill her and harm her father.

SEVGI KAYA, a fifteen-year-old high school student, was detained with five fellow students in Istanbul on and around February 7, 1996, apparently by the Anti-Terror Police, for participating in an illegal organization. They were held incommunicado for about 12 days and all alleged that they had been beaten in detention. Kaya states that her hands and feet were beaten until they swelled and became purple, and she was unable to walk. They then hung her by her arms and threatened to kill her until she finally fell unconscious. Further review by the Forensic Medicine Institute are consistent with Kaya's allegations: "4x5cm sized healing bruises in the middle of the inner side of both soles; similar bruises on the soft inner area of the palms of both hands."

SEXUAL ASSAULTS

FEMALE STUDENT (name withheld). Detained along with a group of other students in Ankara in April 1996, she was taken to the Ankara Anti-Terror Branch. She was blindfolded, accused of writing slogans on walls, hosed with pressurized water and tied to a beam. "While I was hanging they were swinging my legs backwards and forwards, laughing. One of them said, 'What a nice belly!' and touched it. She was tortured with electric shocks: 'They were moving the device up and down my body. One policeman said: 'Maybe she knows better now.' " The electric shock torture was repeated four or five times. "At night I heard screaming. The next day they stripped me totally naked. Then things happened." [At this point she became temporarily too upset to continue the interview with the Amnesty researcher.] "Then a friendly seeming officer whose voice I recognized, intervened to stop the sexual assault. I still have marks on my body and I still have nightmares."

OYTUN AKTAR, FILIZ YILDIRIM, AYNUR TOKLUOGLU, SERPIL KEMALBAY, AND GULTEN TURAN, all female, were detained on May 1, 1998, in various districts of Istanbul during the May Day demonstrations. They reported that they were sexually assaulted and beaten by members of the Anti-Riot Police and by other officers during detention at Istanbul Police Headquarters. They were also made to stand for long periods and not permitted to use the toilet. Aynur Tokluoglu also complained that she was stripped of her clothes and suspended by her wrists tied behind her back. All five were held in incommunicado detention for 6 days.

NADIR ERDEN reported that he was detained on January 3, 1996, and interrogated at the Anti-Terror Branch of Sivas Police Headquarters for 7 days. His family and lawyer applied for access to him, but this was refused. According to his account, he was held in a cold, dark and filthy cell between interrogations. When taken for questioning, he was stripped of his clothes and hosed with cold water before being subjected to hanging by the arms, sexual assault, attempted rape with a truncheon, electric shocks to the fingers, toes and sexual organs. Needles were forced under his finger nails and electric shocks applied. On one occasion an attempt was made to force him to eat excrement. He fainted on several occasions. Interrogation under torture took place on seven consecutive days.

BULENT KARAKAS, a student, was detained on April 19, 1996, taken to the Ankara Police headquarters where he was interrogated by Anti-Terror officers. He was beaten and kicked by four or five officers and sprayed with pressurized water. He was tied to a beam and then the beam was lifted up on the wall. "[M]y muscles began to hurt terribly, as if a skewer was being pushed through them." His testicles were repeatedly squeezed and he was sexually molested.

ISMAIL KOÇA alleges he was abducted by Anti-Terror police while walking in the Dikimevi district of Ankara on November 11, 1997, and pushed into a car. In the car he was hit with a truncheon and sexually assaulted. He was taken from the car at a deserted spot which seemed to be a quarry. He was told that he would be paid for information concerning illegal organizations and when he expressed reluctance a pistol was raised and fired close to his head. He was made to sign a document concerning various people, some of whom were his friends.

ELECTRIC SHOCK AND WATER TORTURE

ALI KARTAL, who has impaired hearing and cannot speak, reported that he had been detained by the police in the beginning of April 1998 in Izmir on accusations of "collecting money for prisoners on remand and recruiting people for the PKK." According to his account, he was taken from his house to the police station in Bozyaka by officers who are believed to be "anti-terror" officers. There he says that he was subjected to electric shocks on three occasions, and beaten and kicked because he did not questions. Two of his teeth were broken when he was kicked in the mouth while tied to a chair. Ali Kartal states that he was told that he would be killed if detained again.

MEHMET ALI AKBAR arrived in Turkey from Germany on January 15, 1998. According to reports, he was detained and interrogated for 9 hours by the Anti-Terror Police near Atatürk Airport before being released. He made his way to the bus terminal in the Esenler district of Istanbul where he was detained once again by plainclothes officers and taken to a place of interrogation apparently Istanbul Police Headquarters where he was held for 8 days. Mehmet Ali Akbar alleges that during custody he was beaten and kicked, hosed with cold water under pressure and subjected to electric shocks. In addition a pistol was put against his head and he was subjected to death threats. His interrogators were accusing him of collaborating with the PKK. Medical examination by Health Center No 2 at Viranrehir, Ramlıurfa province reportedly confirmed bruising and abrasions to various parts of the body and stated that he would be unable to work for 15 days.

HÜSEYİN CELİK was detained on May 1, 1998, and taken in a police bus to the Anti-Terror Branch of Istanbul Police Headquarters. According to his account, he was beaten and kicked while in the bus. Some hours after arrival at the Anti-Terror Branch, he was taken from a cell and down to a place of interrogation, blindfolded and stripped down to his underwear. The police officers interrogating him forced him to the ground and squeezed his testicles. When he tried to resist, they bound his arms and legs with cloth and continued to torture him. He was taken back to his cell but later returned to the place of interrogation where his testicles were again squeezed. He was hosed with hot water and then with cold water directed at his head, testicles and throat. He was then laid on the ground while being partially strangled repeatedly for what he estimates to be half to three quarters of an hour. For the rest of the night he was repeatedly hosed with cold water and then made to stand with his hands raised in a courtyard. He was brought before a doctor who recorded cuts to his ankle and a bruise to his chest. Hüseyin Eelik complained of torture to the State Security Court prosecutor, who took no action. He was released on May 5.

DEATHS OF PRISONERS AND SUSPECTS

BURHANETTİN AKDOĞDU, a student at Uludağ University who was detained on December 11, 1997, in Bursa, died at the Anti-Terror Branch of Ankara Police Headquarters on December 13. Burhanettin Akdogdu wrote articles under the nickname Bekir Kilerci for the journal *Kaldırac*. Ankara Police Headquarters alleged that Akdogdu had "committed suicide with a ribbon he made out of a blanket," but his father believes that his son was murdered under torture.

An individual named Mehmet Ali Yazici informed the Human Rights Association that following his own detention on December 8, Burhanettin Akdogdu had been brought to Police Headquarters on December 12, put into the cell next to his and interrogated twice for more than 3 hours. Mehmet Ali Yazici further stated that all the cells were emptied on December 13 on the pretext of cleaning, and that, in his opinion, it would have been difficult to commit suicide since the cells were frequently checked by guards as a matter of routine.

ALI SERKAN EROGLU, a 19-year-old journalism student at the Communications Faculty of Ege University, submitted a written complaint to the Izmir Chief Public Prosecutor on December 4, 1997, stating that he was abducted by plainclothes men at 4:00 pm on November 27, 1997, from the street in the district of Karsiyaka. He was blindfolded and taken to the Anti-Terror Branch where he was held for 8 hours, during which time he was beaten and threatened, warned not to participate in student politics and released without being brought before the prosecutor. At the foot of his complaint he wrote: "If anything happens to me, the police attached to the Anti-Terror Branch are responsible." On December 23, Ali Serkan Eroglu was reported missing by his friends, and on the following day he was found hanging, dead from asphyxia in a toilet cubicle at Ege University.

MAHMUT YILDIZ, 16 years old, was allegedly apprehended by police officers from the home of a relative in Siirt, where he had gone to sell onions, on November 22, 1997. He was then taken to Siirt Gendarmerie Regimental Headquarters for interrogation. On November 25 he was taken by helicopter to Diyarbakir Military Hospital where he died on December 5, apparently of a brain hemorrhage.

TORTURE AND HARASSMENT OF ACTIVISTS

OLCAY KANLIBAS, a nurse and the secretary of a health workers' union, was detained in Sanliurfa on November 14, 1997. The president of the union appeared at the scene and offered to find a lawyer for her and as a consequence of this, he was reportedly beaten by police officers. Olcay Kanlibas and two friends, Emis Ispir and Rabia Gul, were taken to the Sanliurfa Anti-Terror Branch, where they were blindfolded, beaten, hosed with cold water, made to stand all night and threatened with rape. Another prisoner was reportedly stripped naked, soaked with cold water, and urinated on by a police officer. The following day, Olcay Kanlibas and her two friends were taken to the state hospital where a doctor told them that he was supposed to subject them to gynecological examination. They refused the examination and it did not take place. The detainees were also given a general examination prior to being taken before the prosecutor. According to Olcay Kanlibas's account, however, this examination took place in the presence of police officers, and when another unnamed detainee who had head wounds from being beaten asked the doctor to examine the wound, he was taken back for further "interrogation."

The "Saturday Mothers," a group of women who assemble weekly to peacefully protest "disappeared" family members, were forcibly dispersed by police in Istanbul, most likely the Anti-Riot unit on October 3, 1998. The peaceful protesters were assaulted with tear gas, taken aboard police buses and beaten. Dozens of activists were taken to the hospital. This marks the ninth consecutive week that Istanbul Police have broken up this peaceful demonstration.

NAZMI GUR, Secretary General of the Turkish Human Rights Association, was detained, allegedly by the Anti-Terror Police, after giving a training session on trade union rights at the People's Democracy Party headquarters in Ankara on February 22, 1998. She was held for 2 days at Ankara Police Headquarters where she was kept blindfolded for the duration of her detention.

OZGUR TUFEK CI, MAHMUT YILMAZ, BULENT KARAKAS, AHMET ASKIN DOGAN, NURDAN BAYSAHAN, METIN MURAT KALYONCUGIL, DENIZ KARTAL, AND ELIF KAHYAOGU, eight university students, were reportedly tortured by the Ankara Anti-Terror Branch after being detained on April 19, 1998. (Two of these cases are detailed above.) They were among 23 other students who were arrested after a peaceful protest against the privatization of education, but were charged with participating in an illegal organization. Reports of torture began to emerge from the Anti-Terror Branch shortly after a small number of students were released after a few days. They informed the Turkish Human Rights Foundation that Yilmaz, Dogan, and Karakas had been hosed with pressurized cold water and suspended by their arms. They further reported that Kahyaoglu had been tortured and seen limping down a corridor. Other female students were allegedly threatened with rape.

ATTACKS ON JOURNALISTS

NURAY KALKAN, a photojournalist, reported that she was detained after she had taken photographs outside Istanbul State Security Court on May 15, 1998. According to her account the police officer asked to see her press card. When she produced her card, the police officer told her it was a false card, took the cassette from her video camera, threw it to the ground and crushed it. Nuray Kalkan was apprehended together with four others and taken to Beriktar Central Police Station, where members of the Anti-Riot Police beat and threatened them. She was examined by a doctor of whose name she was not informed, and who appeared not to be interested in her allegation of ill-treatment. She was released the same day and made a formal complaint.

ABDULLAH POLAT, a reporter for the newspaper *Alkede Gundem* in Adana, was detained while making his way home on the evening of February 17, 1998 and reportedly beaten at the Anti-Terror Branch of Adana Police Headquarters. The policemen blindfolded him, beat him, and attempted to intimidate him not to work for the newspaper or to become an informer. He was later released without charge.

ALPER TURGUT AND BERTAN AGANOGLU, journalists for the daily newspaper *Cumhuriyet*, report that they have frequently been beaten by Anti-Riot police while covering demonstrations in Istanbul. Alper Turgut was beaten without provocation while photographing arrests of members of the Turkish Journalists' Association (TGC) in July 1996. He was also hit while photographing a demonstration by the People's Democracy Party (HADEP) in Taksim Square, and also in front of Istanbul University. On February 17, 1998, both journalists were beaten while covering a police raid on the offices of Kurtulus magazine in Istanbul. Bertan Aganoglu's cheekbone was broken as a result of a blow by a police truncheon, and he was given a medical certificate stating that he would be unable to work for 25 days. He has filed an official complaint.

KADIR SATIK AND METE DEMIRKOL were detained in an Anti-Terror Police raid on January 23, 1996. Both were publishers at Kurdish-owned Komal Publishing House in Istanbul. The two prisoners were held at the Aksaray Anti-Terror Branch of the Istanbul Police Headquarters and lawyers were unable to visit for 8 days, illegal even under Turkey's incommunicado detention laws. Amnesty International does not have additional evidence on these cases, but it was feared at the time that they were being tortured.

BEATINGS AND PSYCHOLOGICAL TORTURE

ADIL DIZEK, a construction worker, reported that on January 6, 1997, while walking through a park in the Küküky district of Istanbul, he was forcibly placed in a vehicle by two plainclothes police officers and taken to a forested area near Sariyer where he was severely beaten by these officers. One of them said that he worked for the Anti-Terror Branch of the Istanbul Police under the codename "Dayi" and two others said that they worked for the Gendarmerie Intelligence Unit generally known as "Jitem". They put a pistol in his mouth, threatening to pull the trigger, and gripped him about the throat so that he could not breathe. "Dayi" fired his pistol by his head in such a way that the bullet closely passed his ear.

The officers stated that they wanted him to act as an informant concerning activities in HADEP. They told him that they would give him money and weapons. Eventually he promised that he would collaborate with them and made an appointment for another meeting. They told him not to tell the press or the prosecutor about what had happened, saying that if he did so, harm would come to him and his family. He was held for a total of 7 hours before being released. He was never officially registered as being in custody, or charged with any offense. A medical certificate issued by the Forensic Medicine Institute on January 9, 1997, showed that he had widespread bruising and grazes consistent with his account, as well as a perforation of the right eardrum consistent with the discharge of a weapon at close quarters.

ISMAIL CENGİZ MUMCU alleges that on May 6, 1997, he was detained by four plainclothes police officers he believes were from an Anti-Terror unit near the Abidinpaşa bus stop in Ankara, and put in a white Sahin model automobile with darkened glass, registration 06 YCR 40. According to his account he was beaten and insulted in the car while being driven to some vacant land where four other officers, armed with sticks, were waiting. He was beaten while being told that he should act as an informer. A pistol was put to his head, and he was told to sign a paper which accused a list of people whose names were unknown to him of being members of an illegal armed organization. He was also made to write a statement that he would henceforth act as an agent on behalf of the police. A rendezvous was arranged, and he was told that if he did not attend the rendezvous, or spoke to the press, or complained to the public prosecutor, his family would come to harm.

REHİME HENDEN reported that she had been taken to the Anti-Terror Branch of Istanbul Police Headquarters on February 27, 1997 (she was detained in place of her husband who was wanted; she was released when he was apprehended). At the Anti-Terror Branch, she witnessed the torture inflicted on Sultan Secik, Birsen Kaya and Ayşe

Yilmaz. As a result Sultan Secik and Ayse Yilmaz could not move their arms. She also alleged that Ayse Yilmaz's husband, Erdogan Yilmaz, had been severely tortured and that some of his ribs had been broken. They were among some 26 people detained in Istanbul on February 22, 1997, to be held by permission of the public prosecutor until March 7 before being brought before a judge to be charged or released.

DUYGU SENEM reported that she was taken into custody on April 12, 1998, and held incommunicado for 2 days at the Anti-Terror Branch of Istanbul Police Headquarters where, according to her account, she was beaten until she bled from the nose and mouth, and subjected to death threats. She was then taken to Haseki Hospital for medical examination, but the police accompanying her to the examination confiscated the medical report.

IBRAHIM INCESU was reported to have been severely beaten during his detention on August 11, 1997, including during the four to 5 hours that he was held in the minibus in which he was originally detained. Both he and CEMALETTIN TUNC were also beaten while being transported in a police vehicle while en route to the Anti-Terror Branch in Aksaray, Istanbul. Ibrahim Incesu was taken to an unknown location where the police allegedly threatened to kill him, and also put a hose into his mouth and threatened to squirt pressurized water if he did not admit to police accusations.

PERIHAN EROL was detained on July 2, 1998, and held in police custody until 4 July, when she was formally arrested on the basis of a warrant issued in absentia by Istanbul State Security Court No 1. The detention took place when Perihan Erol went to Istanbul Police Headquarters in Aksaray to collect her passport. According to her account, when she arrived, she was immediately detained. When she asked for permission to contact her lawyer, police officers shouted at her that she was "a terrorist," and one officer struck her across the face. She was later taken to the Anti-Terror Branch where she was interrogated on several occasions. She was blindfolded during these interrogations, and subjected to slapping and hair-pulling.

WRITTEN TESTIMONY OF DOUGLAS A. JOHNSON, EXECUTIVE DIRECTOR, THE CENTER FOR VICTIMS OF TORTURE

Thank you very much for the opportunity to attend this hearing and to address the issues of torture in Turkey.

In January 1995, at the invitation of USAID, two physicians and I traveled from the Center for Victims of Torture in Minneapolis to Turkey. This began a series of projects we undertook to support our colleagues at the Human Rights Foundation of Turkey (HRFT) and the Turkish Medical Association. The Human Rights Foundation of Turkey maintains treatment programs for torture survivors in Ankara, Istanbul, Izmir, Adana, and, beginning in 1998, Diyarbakir. Our role is not to function as a monitoring organization, but to promote the technical exchange of information between treatment centers for torture victims to improve forensic capacity and rehabilitation services. I can only hope that they learned as much from us as we did from them. Both organizations are very competent and highly professional.

Our colleagues at the Human Rights Foundation of Turkey monitor the practice of torture in Turkey closely. They report that about 350 persons applied for care in their program during the first half of 1998, compared to a total of 537 in all of 1997. They caution that this figure would be expected to rise if awareness of their organization and accessibility to services increased. HRFT has documented 37 different forms of torture practiced in Turkey.

Their interim report for 1998 reaches the following conclusions:

"...[T]orture in Turkey is not a problem limited to the period of detention. Torture is systematically applied in Turkey as an administrative practice. Whoever is deprived of his/her freedom is under permanent threat of torture from the very minute of detention. The inhabitants of certain locations in the State of Emergency Region encounter the same threat in their daily lives . . . The systematic character of torture in Turkey is not a result of fault or deficiency, but results from the fact that it is considered as an efficient practice of governance."

Other treatment centers for torture victims confirm the prevalence of torture and document similar techniques of torture used against their Turkish clients, including the Rehabilitation Center for Torture in Copenhagen, the Berlin Center, and the Medical Foundation for the Care of Victims of Torture in London. The latter organization just released a study of 78 Turkish torture survivors who sought care from January 1997 through March 1998. Only 15 of these survivors were charged of any offense, and, of these, only three were convicted. These numbers indicate a pattern of torture being used as extra-legal punishment and to instill fear.

In the fall of 1997, then Prime Minister Mesut Yilmaz made commitments to President Clinton, the Organization for the Security and Cooperation in Europe, and to the Turkish people to end the use of torture. He reinstituted a Human Rights Minister (a position he disbanded in his earlier leadership), created a strategic council of ministries to consider human rights issues and legislation, made some changes in law, and began a human rights training program for security personnel. These were all valuable efforts. Yet torture persists.

It is hard to monitor the exact statistics about the prevalence of torture, because of its secretive nature, the shame and fear of the victims, and the despair of ever bringing torturers to justice. (The issue of impunity will be discussed by my colleagues in this hearing, but we would be happy to submit further detailed testimony on this issue.) As a result, we don't know enough to indicate whether reforms are making much of a difference. What we can monitor is the government's prosecution of human rights defenders. On this issue, the Turkish Government's record is most discouraging: How can Turkey make progress ending torture and human rights violations if it continues to "shoot the messenger" targeting the very individuals and organizations that document abuses and heal its victims?

I want to focus the rest of my testimony on the prosecution of treatment centers, forensic physicians, and general practitioners who document torture. I will not address the ongoing harassment (and worse) of the Human Rights Association, the mothers of the disappeared, and other civil society groups, which I know will be covered by other testimony today.

I have attended four separate trials over the past 4 years targeting the Human Rights Foundation of Turkey and its leadership. Although three of the trials resulted in dismissal of the charges, the trials cost a great deal in anxiety and fear, in legal expenses, and in staff time. The intent seemed clearly aimed at muzzling the most effective monitor of torture in the country.

The HRFT obtained permission from the National government to open a new treatment center in Diyarbakir in June, 1998. It was a very visible opening, with many international colleagues and a number of European ambassadors attending the ceremony. Four days later, the government closed down the center. International reaction was strong. The government reacted by claiming that not all the required permits had been obtained, although, if this were true, it would have indicated a serious breach of procedure and regulations by the Turkish Government. The center was allowed to reopen its doors in September, but not before the warning had been delivered to the Foundation, the local medical chamber, and to the torture victims that would be its clients.

A particularly alarming event was the trial against Dr. Tufan Kose, the medical director of HRFT's Adana center. Dr. Kose was convicted of not reporting a crime that is, not turning over the medical records of his torture victim clients to the police who tortured them. The trial dragged on long past the legal limit, keeping the tension high for the Foundation and Dr. Kose. His appeal is still pending before the appeals court after over a year.

At the same time as the government harasses with lawsuits those physicians who treat torture victims, it continues to involve physicians in covering up the practice. For many years, physicians who refused to document torture or who participated in its practice in various supportive ways have plagued the Turkish medical community. The Turkish Medical Association made a concerted effort to change this practice by implementing a series of training programs on forensic medicine and medical ethics. Through the grant from USAID, we were able to support these projects and participate in the training programs.

The police are required by law to bring prisoners to a physician for a medical review. This is supposed to be a forensic function to prevent torture. But it is often filled by general practitioners with little training and no support. Over 75 percent of those attending the workshops reported feeling pressured by the police, who often insisted on staying in the room during the examination. The role of the international experts at these training programs was to provide technical expertise on identifying the signs of torture. But it also involved underscoring the message: "If you see these kinds of injuries and do not report them as torture, you are committing malpractice." The Medical Association ably picked up this theme throughout its publication and training programs. Government practice makes this work very difficult for the medical professionals.

One indication of this difficulty is shown by the choice of leadership for the Forensic Medicine Institute, which is charged with documenting abuse. The case is somewhat complicated, but I will try to summarize the issue very quickly. In 1993, Baki Erdogan was killed under torture by the police. The police insisted that he died from pneumonia somehow contracted and running its course in the 12 days of detention. The initial forensic report stated this opinion and made no mention of the many physical indications of torture. Through interventions of the Izmir Medical Chamber, a more objective autopsy was conducted, which confirmed that he had died under torture: "It has been concluded that traces on his body are consistent with the traces of electrical shocks, those on his shoulders and wrists might result from hanging, and those on his toes might result from bastinado and crush." This was then confirmed by various appeals panels of the Forensic Medical Institute, including the full council of 31 forensic specialists. The government refused their report three times, and each time the full panel confirmed that he died under torture. The vote was unanimous except for one dissenting vote. The dissenting member agreed that Mr. Erdogan had been tortured, but disagreed that torture caused his death.

Then Justice Minister Mehmet Agar reacted to this result by purging the leadership of the Institute, including Dr. Sebnem Financi, Chair of the Turkish Forensic Doctors Association. Then, under the government of Prime Minister Yilmaz, Dr. Bilge Kirangil the one dissenting vote was appointed to head the Institute. This was hardly a signal of the government's commitment to full disclosure of torture in Turkey.

In November 1997, Dr. Eda Guven, a general practitioner in a small town in Aydin, was asked by the police to certify the health of six young men accused of theft. She eventually pressed the police to leave the room and documented the signs of torture, as she is required to do by law. The police returned the next day demanding that she change her report, which she refused to do. In March 1998, she was put on trial for "insulting the police." The court decided there was insufficient evidence to convict her, but this prosecution must have a chilling effect on other physicians who must face the choice of doing the right thing in a threatening environment.

Meanwhile, the Turkish Medical Association decided to discipline a forensic doctor who did not perform her duty at the Forensic Medicine Institute. She was accused of "Issuing medical reports concealing the torture inflicted on detainees." She was originally put on trial,

but the presiding judge withdrew from the case, stating he was no longer impartial. The High Honorary Board of the Turkish Medical Association banned her from the medical profession for 6 months, as did the Istanbul Medical Chamber.

Perhaps it is this stepped up response to those who fail in their obligation to document torture that causes the Turkish Medical Association to be so alarmed about a case now before the Security Court in Ankara.

One of the young forensic physicians participating in the series of workshops on forensics and ethics was Dr. Cumhur Akpinar, who is in charge of the Ankara Forensic Medicine Institute. In this capacity he has documented numerous cases of torture on police and security detainees. Dr. Akpinar served on the executive committee of the Ankara Medical Chamber and Human Rights committee. He is known by his colleagues as a dedicated and honest physician.

Dr. Akpinar was detained by police from the Anti-Terrorism Branch from his home on January 9, 1999. He was released 4 days later by a judge to await trial without being held in jail, but, at the insistence of the Prosecutor of the Ankara State Security Court, was remanded again a few days later and incarcerated in a heavy security prison 3 hours distance from his family and work. He is charged with aiding an illegal organization by providing them with favorable forensic reports. In the view of the Medical Association and the human rights community, he is being prosecuted for doing his "duty in line with the ethical principles of the profession."

The first hearing took place on March 3, 1999. Dr. Akpinar is being tried with a lawyer noted for taking on cases of police torture, and two members of the Association for Solidarity with the Relatives of Arrested Prisoners and for Human Rights. One of these, the Chairperson of the Association, reported in detail at the trial how she was interrogated naked, subjected to water torture, and threatened with rape. She complained to the judges that her torturer was in the courtroom at that very moment. The judges did not react to this testimony in any way.

In fact, the Security Court seems to have a rather peculiar notion of torture, as expressed by its prosecutor, who has been quoted as saying that torture is for a purposegaining a confessionand must be so serious that it accomplishes that purpose. If the torture does not gain a confession, by this logic, it is not torture and therefore should not be considered an offense. This, of course, implies that an innocent person who has nothing to confess cannot have been tortured.

The Turkish Medical Association has actively promoted the professional responsibilities of physicians. Alarmed at this series of cases brought by the Turkish Government and the escalation into the Security Court, they consider that the Akpinar case is a warning to physicians everywhere in Turkey to be compliant with police and security forces and avoid reporting cases of torture.

For decades the U.S. has emphasized its security ties with the Turkish military. Many in Turkish civil society believe that the U.S. supported earlier coups against civilian governments, similar to our troubled relationships with Chile and Central America. As we have decided that it is in the best interests of our relationships to the grow-

ing civil society and democratic forces in these regions to reveal the truth of our previous actions, I believe we must also reexamine our fundamental relationships with Turkey.

Turkish civil society, as only partially revealed by the growth of the human rights community and the commitment of organizations such as the Turkish Medical Association, has grown enormously and become increasingly sophisticated. We must find ways of emphasizing our support of and relationships with these organizations, including protecting them as much as possible from repressive forces. The first basis of the relationship must be built on telling the truth about the past, and making more transparent to Turkish organizations and leaders what America conceives to be its interests and reasons for supporting civil society.

Dr. Akpınar received some of his training and motivation from programs partially funded by USAID. Perhaps this Commission should see his case as highly symbolic of America's relationship and responsibility to the Turkish people.

I must say that the efforts of then Ambassador Marc Grossman and his staff to reach out to the human rights movement, to monitor its trials and seek to be visible in their support, did much to allay the fears of many, although it did not make those fears disappear. I would hope that the Commission would monitor how American policy continues to focus on building support for the human rights effort in Turkey, and I urge the Commissioners and President Clinton to use the OSCE presence in Istanbul this fall to make that support even more visible and emphatic.

Thank you.